

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

|                                 |   |                        |
|---------------------------------|---|------------------------|
| UNITED STATES OF AMERICA,       | § |                        |
|                                 | § |                        |
| Plaintiff,                      | § | Case No.               |
|                                 | § | 4:20-cr-00382-SDJ-KPJ- |
| vs.                             | § | 103, 104               |
|                                 | § |                        |
| MAAZ AZIZ and SAAD AZIZ, et al, | § | VOLUME II              |
|                                 | § | Pages 171 - 393        |
| Defendants.                     | § |                        |

TRANSCRIPT OF DETENTION HEARING  
BEFORE THE HONORABLE SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE

Monday, October 25, 2021; 1:35 p.m.  
Plano, Texas

APPEARANCES OF COUNSEL:  
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ALSO PRESENT: Brent Andrus, AUSA  
7 Patrick Madrigal, IT - AUSA

8 \* \* \*

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1 October 25, 2021

1:35 p.m.

2 ---o0o---

3 P R O C E E D I N G S

4 ---o0o---

5 THE COURT: Good afternoon. You can be seated.

6 All right. We're here on cause number 4:20-cr-382,  
7 United States of America versus Maaz Aziz and Saad Aziz,  
8 defendants 103 and 104 in this case. We're here to complete  
9 the detention hearing that we started a week ago. And where  
10 we had left off in that hearing was the government had  
11 finished with its first witness, Agent Doering.

12 And, Mr. Gonzalez, I think you had one more witness  
13 you were going to present; is that correct?

14 MR. GONZALEZ: I believe we were at the point where  
15 I was going to redirect the agent with a few more questions,  
16 just a few questions. And then we do have one more witness  
17 after that.

18 THE COURT: All right. We can have the agent take  
19 the stand again. Go ahead.

20 And before we do that, actually, I will go ahead  
21 and have counsel make their appearances.

22 Mr. Gonzalez, who else do you have with you?

23 MR. GONZALEZ: Your Honor, Ernest Gonzalez for the  
24 government. The government's ready to proceed. I have Miss  
25 Colleen Bloss assisting me; Patrick Madrigal from the U.S.

1 Attorney's office; Brent Andrus from the U.S. Attorney's  
2 office; Mikaela Keene from the FBI, as an analyst; and  
3 Special Agent Chris Doering.

4 THE COURT: All right, thanks.

5 And let's go ahead and have defendants make their  
6 appearances.

7 MR. WOHLFORD: Good afternoon, Your Honor. Luke  
8 Wohlford and Rob Castle on behalf of defendant Maaz Aziz.

9 MR. MEYER: Ryan Meyer and Rachel Riley for  
10 defendant Saad Aziz, Your Honor.

11 THE COURT: All right. Thank you.

12 MR. WOHLFORD: And, Your Honor, if I may, just  
13 before we get started, address a housekeeping matter, and I  
14 hope we can just get it out of the way now. I think it's  
15 going to relate to evidentiary objections. And I think it  
16 would be most efficient to handle it up front, if you don't  
17 mind.

18 THE COURT: Go ahead. What's the issue?

19 MR. WOHLFORD: Yeah. So, Your Honor, as you know,  
20 ordered, after the hearing last Friday, that all supplemental  
21 briefing and any additional exhibits be submitted, filed, and  
22 served by last Wednesday, October 20th.

23 The government filed a supplemental brief on  
24 October 20th, but did not serve it on defense counsel. The  
25 government then filed an untimely second supplemental brief

1 and several new exhibits on Friday, October 22nd, but again,  
2 they didn't serve it on defense counsel.

3 Only yesterday morning, the government served the  
4 second supplemental brief and the exhibits that it had filed  
5 with that supplemental brief. But the form in which it was  
6 served, I couldn't access them. After --

7 THE COURT: It looks like we're having a little  
8 trouble with your microphone. You may be a little close to  
9 it. I tell people to be close to the microphone. You may  
10 actually be too close.

11 MR. WOHLFORD: My apologies, Your Honor. So when  
12 finally, after some email exchanges I finally got the  
13 documents, the second supplemental brief and the second  
14 supplemental exhibits, all of which were untimely filed, last  
15 night around 5:00.

16 Then this morning, the government e-mailed us a new  
17 document that they said they intended to present today; that  
18 was at 11:24 a.m. And then just before the hearing, the  
19 government provided us with another demonstrative exhibit  
20 that I understand they intend to present to the Court today.

21 And just for the record, Your Honor, we  
22 obviously -- we would respectfully move to strike the  
23 late-filed second supplemental brief and the exhibits. We  
24 would -- and we would object to the presentation or reliance  
25 on -- by the government on any of the exhibits that were

1 untimely filed and certainly untimely served.

2 To get us this kind of voluminous information at  
3 5:00, or after 5:00 last night, is troubling and is  
4 consistent with what seems to keep happening here. And so  
5 for those reasons, Your Honor, we would object and we move to  
6 strike the late-filed supplemental briefing.

7 THE COURT: All right. Mr. Gonzalez, what's the  
8 government's response? It sounds like your colleagues on the  
9 other side said they got your briefing late, and your  
10 exhibits -- additional exhibits late.

11 MR. GONZALEZ: Well, there's been two filings, Your  
12 Honor, a supplemental brief and a second supplemental brief.  
13 The first supplemental brief we did file on the 20th. We  
14 have an email that we sent it to the Court as well as to the  
15 defense counsel, and I can submit that to the Court for the  
16 Court's review.

17 Ms. Sanford, the next day on the 21st, acknowledged  
18 that that had been filed. So we thought everything was fine;  
19 that we had filed it with the Court; that we had sent a copy  
20 to defense counsel; and we had no reason to believe that they  
21 hadn't received it.

22 Secondly, the documents that are in that  
23 supplemental brief are the documents that were already  
24 presented during our hearing on the 15th. It's those same  
25 documents that were given and provided to defense counsel,

1 other than adding I believe one particular document to the  
2 documents that had already been provided.

3 But there was a brief that was submitted. Like I  
4 indicated, I've got an email here where Ms. Kaufman, who is  
5 my legal assistant, at 8:55 p.m. sent it both to the Court as  
6 well as defense counsel. And like I said, I can provide that  
7 to the Court. And then some acknowledgement the following  
8 day by Ms. Sanford, the courtroom deputy for Your Honor,  
9 indicating that it was received and that everything was good.

10 So we had no reason to believe that they had not  
11 received it, that they did not have it in their possession,  
12 and that they could not review it.

13 The second supplemental briefing were documents  
14 that we provided to defense counsel, were items that we  
15 ourselves received on the 21st. We have a continuing  
16 obligation of discovery. So when we get items that are  
17 coming in, as they're coming in, we're trying to make them  
18 available to the defendants and defense counsel as quickly as  
19 possible.

20 So that documents that are contained -- that were  
21 contained in that second supplemental brief are documents  
22 that we received on the 21st. Had we received those  
23 documents, we then tried to get those documents to defense --  
24 the defense counsel and the defendants. But unfortunately,  
25 that particular supplemental got kicked back because it

1 contained information, personal information, and it got  
2 kicked back to us.

3 So then the following day when we realized that it  
4 had been kicked back to us because it was not allowed to be  
5 filed, we then contacted defense counsel, tried to find out  
6 whether those documents had been received. We, until Sunday,  
7 had not -- were not aware that they had not received any of  
8 the filings, including the filing of the 20th. But like I  
9 said, we've produced the documents as they're coming in. The  
10 documents that were provided today, we received them today.

11 So it's a continuing obligation on our part to  
12 deliver discovery. We're trying to comply with that. We are  
13 sending those documents to them. Unfortunately, with regards  
14 to the filing on the 20th and the filing on the 21st, we had  
15 no notice that they -- had any idea that they had not  
16 received it and had not been able to review it.

17 THE COURT: All right. Just taking first the  
18 filing on the 20th, I'm assuming that when you're filing,  
19 it's coming onto our CM/ECF system -- this is your first  
20 filing on the 20th. That was filed in CM/ECF; is that  
21 correct?

22 MR. GONZALEZ: Well, it's under seal, so we filed  
23 it under seal. So we have to serve both the Court and the  
24 defendant.

25 THE COURT: And you -- and there was an error in

1 that transmission, is that --

2 MR. GONZALEZ: We didn't -- we didn't realize it  
3 until they notified us. We thought it was fine because of  
4 the fact that we had interchange or communicated with  
5 Ms. Sanford, and she had indicated to us everything was good.  
6 So we thought everything was correct.

7 MS. BLOSS: And, Your Honor, just to -- just to add  
8 on to that. Opposing counsel filed opposition briefing and  
9 they sent us an email stating that they were filing  
10 opposition briefing that was in response to Ms. Kaufman's  
11 service of those documents. So if at any point they were  
12 unable to open those documents, didn't see the filing, then  
13 the time to tell the government was the time that they  
14 received that email.

15 So we had no reason to believe that they hadn't  
16 received those documents or attachments. And, in fact, they  
17 had received the bulk of the attachments on the 15th when we  
18 presented them to the Court and to opposing counsel, a hard  
19 copy.

20 THE COURT: So as Mr. Gonzalez said, was there one  
21 additional exhibit with your submission on the 20th that had  
22 not been presented at our first detention hearing?

23 MS. BLOSS: Correct. That would be the inventory  
24 log that wasn't presented in hard-copy format. But again,  
25 that was attached to the original supplemental filing, or the

1 first supplemental filing that we did on the 20th. And to  
2 the extent they did not receive it, we certainly made every  
3 attempt to serve it on them. And they were included on the  
4 email to the Court stating that that filing had been made.

5 THE COURT: Mr. Wohlford?

6 MR. WOHLFORD: Sure. Briefly, Your Honor, with  
7 respect to this first filing, I can attest to the Court I did  
8 not receive notice of that filing. I'm not sure what  
9 Ms. Bloss is discussing about our filing something in  
10 opposition. Yeah, we filed a supplemental motion in  
11 opposition to the government's emergency motion for a stay,  
12 in accordance with Your Honor's order, but we didn't file  
13 that on top of something that they had filed or in response  
14 to something that they had filed.

15 THE COURT: Right. The only filings I think I have  
16 from defendants are your two supplemental ones that were  
17 filed on Wednesday. And the arguments that were made there  
18 concerning timeliness, I think were to the exhibits and other  
19 materials that we saw at the hearing. Is that accurate?

20 MR. WOHLFORD: Yes. Certainly, Your Honor. And so  
21 with the first supplemental brief, I'll acknowledge there  
22 must have been something lost in the ether of the internet or  
23 something. You know, I don't dispute that Mr. Gonzalez has  
24 an email that they attempted to send to us. But I can  
25 represent to the Court that I certainly did not receive an

1 email on Wednesday with the first supplemental brief. So  
2 there is that issue.

3 The second supplemental brief, I think our position  
4 is that's untimely, that is not in accordance with Your  
5 Honor's order. The exhibits submitted with it were not in  
6 accordance with Your Honor's order. Even if there was some  
7 argument that, well, we didn't have them until Thursday,  
8 October 21st, the fact that we initially didn't get them in a  
9 form that we could actually access them until 5:00 on Sunday,  
10 when they were apparently filed and submitted to the Court on  
11 Friday, it's incredibly troubling.

12 And so, again, we think that untimely filing and  
13 service of that brief and those exhibits warrants the  
14 striking of that brief and warrants a, you know, refusal to  
15 allow the government to rely on those late-disclosed  
16 exhibits, not to mention the exhibit that was provided to us  
17 at 11:24 this morning and the exhibit that was provided us as  
18 we walked into the courthouse today.

19 You know, this is feeling a lot like a detention  
20 hearing by ambush, and it feels more so all the time, and we  
21 think that that violates very basic notions of fair notice.

22 And with respect to this, while this is just a, you  
23 know, continuing duty to disclose, I think Mr. Meyer can  
24 speak to whether or not all of the documents that were  
25 attached to that second supplemental exhibit, whether -- you

1 know, we have some evidence to suggest that at least one of  
2 those documents was provided to the government on September  
3 27th, not on October 21st. But even so, it's incredibly  
4 troubling that what we keep seeing is new evidence and the  
5 government relying on new evidence in support of a motion for  
6 detention that was filed a month ago.

7 What was the basis for detention initially when it  
8 was sought, if it's now just going to be relying on all this  
9 new evidence that we only get the night before a hearing.

10 So Your Honor, we think this is a basic fairness  
11 and due process issue here. And for the record, we would  
12 object to the use of any of those late-disclosed exhibits,  
13 and we move to strike the government's untimely filed briefs.

14 THE COURT: All right. Maybe before I turn back to  
15 the government, does Mr. Meyer want to make a comment on  
16 the -- on this material you believe was available to the  
17 government earlier but not produced?

18 MR. MEYER: Yes, Your Honor. And I do not know how  
19 to use the document camera, so I have paper copies. But this  
20 is Exhibit 14 to the government's Friday brief. And I don't  
21 actually know what the ECF number of that filing is, but it's  
22 the government's second supplemental, which again it's  
23 Exhibit 14. It's a PPP form.

24 THE COURT: Um-hum. All right. If you have a  
25 paper copy, Mr. Gonzalez. I'm pulling it up directly from

1 CM/ECF here, so I can see the document myself. And I'm sure  
2 the government has their copy. So if you want to reference  
3 that. In other words, you don't need to worry about using  
4 the projector on this one.

5 MR. MEYER: Yes, Your Honor.

6 THE COURT: This is a Paycheck Protection Program  
7 loan?

8 MR. MEYER: Yes, Your Honor. So the document  
9 that's on the document -- so Exhibit 14, that's correct, Your  
10 Honor, it's the paycheck protection loan form, PPP loan form,  
11 for SCS Supply Chain. And this document on the document  
12 screen -- I have provided a copy to Mr. Gonzalez -- does not  
13 have a Bates number because the discovery we received  
14 Thursday morning from the government is not Bates labeled.

15 But this is a subpoena return that was included in  
16 one of those sub folders and clearly lists the PPP loan  
17 documents were provided to the government on what appears to  
18 be September 27. And I don't have -- I did not have time to  
19 correspond or double check the rest of the materials, but it  
20 would appear, at least Exhibit 14 or some version of Exhibit  
21 14, had been provided to the government over a month ago.

22 THE COURT: All right. So we can hear from either  
23 Mr. Gonzalez or Ms. Bloss on your colleagues' contentions  
24 that some of these materials should have been produced  
25 earlier, were available earlier. And then one thing you

1 might elaborate on, Mr. Gonzalez -- we can do this as we get  
2 into particular exhibits, but you've mentioned broadly the  
3 notion of your continuing duty to supplement, and some of  
4 these are just coming in. Maybe you can elaborate a little  
5 bit on, you know, why they're coming in at these times, and  
6 then also the contention that maybe, at least this document,  
7 was actually obtained earlier.

8 MR. GONZALEZ: I will address the issue of the  
9 supplemental brief on the 21st. The issue with that one, my  
10 understanding, was that a password was given to defense  
11 counsel to be able to access it, and there was some either  
12 miscommunication or inability to use the appropriate password  
13 to gain access to that particular filing and that's why it  
14 wasn't accessible to them until the 21st. But it was  
15 provided on the 21st, as soon as we obtained the documents.

16 In regards to our continuing obligation to  
17 disclose, we realize and we accept that responsibility, and  
18 that's what we've been attempting to do, is to disclose when  
19 these documents are being provided to us. Some of these  
20 subpoena requests for bank documents have been or were made  
21 some time ago.

22 And we can't control when the banks are delivering  
23 those documents to us. They're coming in staggered. And  
24 there are so many. There are 65 bank accounts and other  
25 financial accounts that we're looking into, and they're

1 coming in. As soon as they're coming in and we believe them  
2 to be relevant to the issues here before the Court, we're  
3 trying to make them available.

4 On the issue of this particular document that  
5 they've brought to light, if we can approach the bench.

6 THE COURT: Yes.

7 ***(Sidebar discussion begins.)***

8 THE COURT: I just ask all of you to try to speak  
9 up somewhat so we can pick you up on this mic so that Gayle  
10 can hear you and she can put it on the transcript.

11 So, Mr. Gonzalez, as to this document, this is  
12 the --

13 MR. GONZALEZ: The PPP.

14 THE COURT: -- PPP form, yes.

15 MR. GONZALEZ: So our attention to that particular  
16 document came by way of a SARs. We're not allowed to use a  
17 SAR as evidence. So when we see something in the SARs  
18 report, we then have to follow up and ask for it in a  
19 different format where we can introduce it in court. So  
20 that's what happened.

21 We did have it provided to us, but it came in a  
22 SARs report, and we're not allowed -- that's not -- under DOJ  
23 policy, we're not allowed to use SARs report as evidence. So  
24 that's what happened. We saw it in the SARs report. We  
25 wanted to get it in a different format that was admissible

1 for this proceeding, so then we followed up and asked for  
2 that document to be sent to us again.

3 MS. BLOSS: And I don't think it's an issue of  
4 admissibility. We have to do the subpoena for production as  
5 well, or we're supposed to. So SARs are supposed to be kind  
6 of confidential --

7 THE COURT: Right.

8 MS. BLOSS: -- methods of receiving information.

9 THE COURT: All right. Go ahead.

10 MR. MEYER: I was just going to say, Your Honor, to  
11 be clear, this is a broad subpoena return covering over a  
12 year period. The one that was produced on the 21st they  
13 provided us on Friday. I believe it was on Friday.

14 MR. WOHLFORD: No, it was on Sunday.

15 MR. MEYER: Oh, for Regions, that's true. No. The  
16 Regions Bank accounts by themselves was on Friday.

17 MR. WOHLFORD: Oh, yeah. Okay, yeah.

18 MR. MEYER: So Regions Bank, it's the same, it's a  
19 number of these same accounts, right. So it just looks like  
20 what they got on Friday was an update to the subpoena, which  
21 I understand. I completely understand that. My point is it  
22 appears that what they got on September was the exact request  
23 for production. This is not just a SARs by itself, it  
24 appears.

25 MR. GONZALEZ: But we have to ask -- we have to

1 have the documentation showing that that particular document  
2 came by way of a separate subpoena request, not through a  
3 SARs report.

4 MR. MEYER: No, I understand that. It looks like  
5 it did come through a separate subpoena, is my point, in  
6 September.

7 MS. BLOSS: Right. But, Your Honor, if I could  
8 just step back for a second because this entire argument  
9 seems to be predicated on a misstatement of law, which is  
10 that Rule 16 requires government production in respect to the  
11 government's case in chief, which is why it's an ongoing  
12 obligation, right. It's not a Rule 16 production with  
13 respect to specific instance of detention.

14 And so as we are receiving information, as we're  
15 getting it produced to us, we are turning around and  
16 producing it to them because that right for defense counsel  
17 applies to the government's chase in chief in what materials  
18 we are going to use, under Rule 16.

19 THE COURT: Right.

20 MR. WOHLFORD: What we're talking about today, with  
21 the untimeliness and the untimeliness of the disclosure,  
22 deals with Your Honor's order of October 15th and Your  
23 Honor's order that any supplemental briefing and exhibits be  
24 filed and served on October 20th.

25 And I do want to correct one thing that was said.

1 That second supplemental brief was not provided to defense  
2 counsel on October 21st, it was provided for the first time  
3 yesterday morning. And for me at least, the documents  
4 attached to it were in a format that I could not access. I  
5 was not able to access them until the government's assistant  
6 provided those documents around 5:00 last night.

7 So the notion that the second supplemental brief  
8 was provided on October 21st is just incorrect. We received  
9 it last night -- or yesterday morning, for the first time.  
10 And for me at least, I couldn't access them until 5:00.

11 MR. GONZALEZ: Because the password was incorrect.

12 MS. BLOSS: Correct. And, Your Honor, can I add to  
13 that, which is that I asked for those documents to be  
14 produced on the 21st when we received them. And it was my  
15 understanding those documents were, in fact, produced on the  
16 21st. So any discussion about service with respect to the  
17 briefing deadline doesn't take into account the production on  
18 the 21st.

19 MR. GONZALEZ: And, Your Honor, here is the  
20 document that I was referring to, which shows that we sent  
21 this new one for the 20th where we sent it to the Court and  
22 we sent it to defense counsel. And then --

23 MR. MEYER: We're not disputing it, Your Honor.  
24 We're saying we never got it.

25 MR. GONZALEZ: And here is Ms. Sanford's response

1 saying the Court had received it, that everything is good.  
2 So as of that point, we're thinking that everything's fine,  
3 we've complied with the Court's order, we haven't failed to  
4 comply with the Court's order. We're thinking they're having  
5 it and they're reviewing it. We haven't heard back from  
6 them.

7 At 11:00 that night -- I think we filed ours at  
8 8:00. At 11:00, they filed their response, too, as well,  
9 their supplemental brief. So we're thinking they're -- it's  
10 in response to our supplemental brief, so we have no reason  
11 to believe anything's wrong.

12 THE COURT: Well, I'll tell you what. Just if  
13 we've gotten through the central part here, I think, just so  
14 our record is more clear --

15 MS. BLOSS: Correct.

16 THE COURT: -- I'll have you all move back --

17 MR. MEYER: Yes, Your Honor.

18 THE COURT: -- and then we can continue. But just  
19 I think here it's always difficult to get a good --

20 MR. MEYER: I understand.

21 THE COURT: -- record, so if you all can return.

22 MR. MEYER: Yes, Your Honor.

23 ***(Sidebar discussion concludes.)***

24 THE COURT: All right, counsel. I have the various  
25 submissions, and here's -- so broadly speaking, and the

1 points have been made when we were up here at the bench, that  
2 obviously the government's discovery obligations are  
3 generally directed to their case in chief. Counsel for  
4 defendants have pointed out the Court did enter an order that  
5 said, you know, the government needed to file its supplement,  
6 it needed to produce the materials that it had used in the  
7 detention hearing. And my thought on that was that whatever  
8 materials hadn't been produced that the government was using  
9 at that hearing, should be provided to defense counsel,  
10 certainly that or ideally before the deadline for the  
11 supplemental briefs.

12 We now have additional documents that the  
13 government has asserted have come in after those deadlines  
14 that are part of this second filing before the Court.

15 So the issue I have is that for purposes of  
16 detention, of a detention hearing, I need to be able to  
17 consider whatever information is relevant while at the same  
18 time, we needed to have the defendants be able to have the  
19 opportunity, from a due process perspective, to respond  
20 meaningfully and have time to process that information.

21 So what I -- the way that I'm going to proceed  
22 today is we'll take this exhibit by exhibit. And I think I  
23 need to consider the information, but what I'm going to do is  
24 work with defense counsel to accommodate any need they may  
25 have for more time to look at material or more time to be

1 able to submit something additional to the Court. I'll take  
2 it under consideration the motion to strike, but the issue  
3 with that, counsel, is that if it is relevant and important  
4 to a decision as significant as detention, I think striking  
5 it is problematic.

6 But at the same time, I'm very sensitive to defense  
7 counsels' concern that they haven't had sufficient time to be  
8 able to consider these documents, confer with their clients  
9 about these documents, and so I want to make sure that we  
10 make that accommodation. But I think what we'll do is take  
11 it exhibit by exhibit and we'll make the accommodations  
12 needed for defense counsel.

13 We are going to conclude this hearing today. And  
14 we will get a decision out. So one way or the other, the  
15 record will wind up being closed. But why don't we do this.  
16 When we're proceeding and an exhibit comes up that is a new  
17 exhibit, we may have a bench conference or I may just confer  
18 with counsel at that point about, you know, what  
19 accommodation we may need to make for the defendants.

20 MR. WOHLFORD: Understood, Your Honor. Thank you.

21 THE COURT: All right, counsel.

22 So, Mr. Gonzalez, you can go ahead and proceed with  
23 redirect of Agent Doering.

24 Agent Doering, I'll remind you that since we  
25 continued this hearing, you remain under oath.

1 THE WITNESS: Yes, sir.

2 THE COURT: You can proceed when you're ready,  
3 Mr. Gonzalez.

4 MR. GONZALEZ: Thank you, Your Honor.

5 CHRISTOPHER B. DOERING,  
6 first having been previously sworn, testifies as follows:

7 REDIRECT EXAMINATION

8 BY MR. GONZALEZ:

9 Q. Agent Doering, I'll try to move this along as quickly  
10 as possible. Defense counsel, in his cross-examination of  
11 you, asked you about the debriefing process that we had gone  
12 through with some of the other co-defendants, and then some  
13 terminology was used to the extent of threatened or coerced  
14 individuals into debriefing.

15 Did that ever occur? Did we threaten anyone or  
16 coerce anyone into debriefing with us?

17 A. No, sir.

18 Q. Was it a quid pro quo, you debrief and we release? Or  
19 was it different than that?

20 A. It was different.

21 Q. How was it that these debriefs -- these other debriefs  
22 came about?

23 A. We gave them the option to debrief and come in to allow  
24 us to consider flight risk and how their potential  
25 cooperation would move forward.

1 Q. So, initially, when those individuals are being  
2 contacted, the government's position was that they should be  
3 detained and they would have the opportunity to convince us  
4 that it wasn't as we saw it, that they would be worthy of  
5 some sort of bond.

6 A. Correct.

7 Q. And so at that time, when we're having these  
8 conversations, they're represented by their attorneys;  
9 correct?

10 A. Correct.

11 Q. And their attorneys are guaranteeing that their  
12 constitutional rights are not being violated.

13 A. Correct.

14 Q. And after conferring with their attorneys, then they  
15 agree to do a debrief or not to do a debrief. Some did.  
16 Some didn't. Some went to detention hearings. Some waived  
17 detention hearings. And there were some that debriefed and  
18 still didn't get out; correct?

19 A. Correct.

20 Q. And none of that was done under coercion, a cloud of  
21 coercion or a cloud of threat: Do this or you won't get  
22 this. None of that; correct?

23 A. Correct.

24 Q. Now, there was also some discussion about you using the  
25 word "flight risk" as opposed to the word "serious flight

1 risk."

2 Do you consider these defendants to be a serious  
3 flight risk?

4 A. Yes.

5 Q. And you've talked about the different things that you  
6 use to make that analysis, so I won't rehash that.

7 Now let me move really quickly to the Aziz -- the  
8 Aziz brothers here before the Court, and SCS. Do the two  
9 defendants here before the Court run and operate that parent  
10 company of SCS?

11 A. They do.

12 Q. And, in fact, in their pretrial services report they  
13 both indicated ownership. Saad Aziz states -- specifically  
14 says he owned and operated SCS for five years; is that  
15 correct?

16 A. Correct.

17 Q. And then Maaz Aziz states he owned and operated along  
18 with his brother, co-defendant Saad Aziz, SCS chain -- Supply  
19 Chain; the brothers owned the business from 2016 until August  
20 21st, 2021, when his warehouse was raided by law enforcement.

21 A. Correct.

22 Q. So both of these individuals had claimed ownership of  
23 SCS.

24 A. Yes.

25 Q. You've testified that SCS has a subsidiary in Canada.

1 A. Correct.

2 Q. So simply because Maaz Aziz's name is not a name as a  
3 director in Canada, doesn't mean that he doesn't have an  
4 interest in that business in Canada, or Dubai, or in any of  
5 these other places.

6 A. Correct.

7 Q. And they run their business activities together. They  
8 have financial documents and businesses together; correct?

9 A. Correct.

10 Q. You're familiar with the land that was in Frisco,  
11 Texas?

12 A. Yes, sir.

13 Q. Was that land that was invested with money from SCS,  
14 which was in the name of both defendants?

15 A. Correct.

16 Q. And do they have mutual accounts that they are  
17 signatories to?

18 A. Accounts that are closed and open, yes.

19 Q. Okay. Now, in deciding whether to do a debrief with  
20 someone and deciding to reach a conclusion as to whether the  
21 individuals are a flight risk, do you look at the information  
22 that they provide the pretrial services report officer?

23 A. Yes.

24 Q. And what they said and what they failed to report.

25 A. Correct.

1 Q. Okay. And in that report with the pretrial services  
2 officer, it didn't include or it didn't list the properties  
3 in Frisco, did it?

4 A. No.

5 Q. It didn't include and it didn't list the properties in  
6 Pakistan.

7 A. No.

8 Q. It didn't include the properties in Dubai, at the  
9 airport.

10 A. No, it didn't list any properties in Dubai.

11 Q. Okay. So some of these items would be important to the  
12 issue of flight.

13 A. Yes.

14 Q. These items weren't in the pretrial services report,  
15 didn't come up at the initial detention hearing; so it wasn't  
16 available for the magistrate judge to consider, was it?

17 A. No, sir.

18 Q. It doesn't list foreign bank accounts; right?

19 A. No.

20 Q. So all these things are important for a rational  
21 decision as to whether they pose a risk of flight.

22 Now, foreign-owned businesses. Important --

23 A. Yes.

24 Q. -- is that correct? Dubai? None of those are listed.

25 A. No, sir. No, they are not.

1 Q. Same thing with foreign travel. You know, there's been  
2 some questions back and forth about foreign travel, whether  
3 they travel to Canada for pleasure, whether they travel to  
4 Mexico for pleasure. But if you look at what Maaz Aziz said  
5 in regards to his travels to certain countries and that he  
6 reported to pretrial services, he stated: The defendant  
7 reported he does have a United States passport which is  
8 currently in possession of his attorney. The defendant  
9 reported he travels outside the United States, includes trips  
10 to Canada, United Arab Emirates, and Colombia for business.

11 That was not for vacation. There's been some back  
12 and forth as to whether he traveled to Canada for vacation.  
13 But clearly when being interviewed by pretrial services, and  
14 we assume that they're being honest, he indicated that it was  
15 for business.

16 A. Yes, he did.

17 Q. And what's been introduced to this Court already is  
18 multiple trips to Canada, multiple trips to Dubai and abroad;  
19 correct? Colombia, as well.

20 A. There's multiple -- travel to multiple locations, yes.

21 Q. All right. So another thing that wasn't reported in  
22 the pretrial services report was other businesses owned by  
23 family members or individuals that are closely associated or  
24 related to the defendant.

25 Have you come to find out that Saad Aziz's wife,

1 Duua Aziz, owns businesses that are closely related to SCS?

2 A. One business, yes.

3 Q. Okay. Well, actually, there are several. Are you  
4 familiar with Gizmo Galaxy?

5 A. Yes, sir.

6 Q. And Gizmobile?

7 A. I'm aware of Gizmobile. I believe that --

8 Q. (Overlapping speech.)

9 A. -- Maaz Aziz.

10 (Court reporter clarification.)

11 THE WITNESS: I believe Gizmobile to be owned by  
12 Maaz Aziz.

13 BY MR. GONZALEZ:

14 Q. But that wasn't divulged in the pretrial services  
15 report. The defendants -- one of the defendants' wives owns  
16 businesses that are associated with SCS.

17 A. I did not see that.

18 Q. Now, you also testified -- and maybe you missed this  
19 question or didn't understand the question. I think defense  
20 counsel was asking you about his substantial links to the  
21 community here in the United States, and indicated that he  
22 has a large number of family members here in the United  
23 States. But he also has a large number of family members in  
24 Pakistan; correct?

25 A. Yes.

1 Q. Do you recall in the first detention hearing in front  
2 of Judge Nowak that Duua Aziz testified that the defendants  
3 have somewhere near ten cousins that still live in Pakistan?

4 A. Yes.

5 Q. Would that be a substantial number of family members  
6 that still live in a foreign country?

7 A. Yes.

8 Q. That's not in the pretrial services report either;  
9 correct?

10 A. Correct.

11 Q. Now, there was also some testimony on your part about  
12 that traveling with a fake COVID document. Do you recall  
13 that?

14 A. Yes.

15 Q. And how anybody -- that's so rudimentary that anybody  
16 could fake that particular document; right?

17 A. Correct.

18 Q. And while that may be true, doesn't it also indicate  
19 the willingness on their part to use a fake document to get  
20 something they want? In that case, it was travel.

21 A. Yes.

22 Q. And when it comes to motivation or incentive to flee, I  
23 think you testified to this, but 20 years of imprisonment or  
24 facing 20 years of imprisonment is a huge incentive to flee.

25 A. Yes, sir.

1 Q. And I think there was some going back and forth about  
2 being able to get a passport.

3 A. Correct.

4 Q. Do you recall that?

5 A. Correct.

6 Q. And you said that you had done some research into that.  
7 Have you been able to determine whether someone can go to an  
8 embassy and obtain another passport, a replacement passport?

9 A. Yes. They can be -- a replacement passport can be  
10 obtained at --

11 Q. They provide --

12 A. -- a consulate.

13 Q. -- certain documentation, and a replacement passport  
14 can be obtained.

15 A. Correct, yes, with some supporting documentation.

16 Q. Now, in regards to fugitives fleeing, you are familiar  
17 with the fact that a fugitive doesn't necessarily have to  
18 travel with -- or travel legally or with legal documentation;  
19 they can do it illegally.

20 A. Yes.

21 Q. We have people crossing into the United States every  
22 day illegally; correct?

23 A. Correct.

24 Q. Can it not work the other way?

25 A. Correct.

1 Q. Where people go into Mexico fleeing, or go into Canada  
2 fleeing?

3 A. Yes.

4 Q. And it doesn't require a passport for legal  
5 documentation?

6 A. Yes. They can walk across or find their way across the  
7 border.

8 Q. Can people contract a private airplane with someone  
9 that's willing to take a fugitive outside of this country?

10 A. Yes.

11 Q. That happens.

12 A. Yes.

13 Q. So a passport is not necessary, correct, to travel?

14 A. Correct.

15 Q. And there was some question, and I think Judge Jordan  
16 asked you, if there was any information about fake passports.

17 A. Yes, sir.

18 Q. And, in fact, in this very investigation there were  
19 fake passports seized.

20 A. Fake passport cards, yes.

21 Q. Okay. They could be used to travel.

22 A. Correct.

23 Q. Okay. And that was a part of the investigation that  
24 happened in Houston where that individual was purchasing  
25 phones or buying phones with false identities --

1 A. Yes.

2 Q. -- correct? And when they went to search his  
3 residence, they found not only credit cards, Social  
4 Securities, IDs, but also those fake immigration cards.

5 A. Correct. They were manufacturing identities along with  
6 passport cards.

7 Q. So that can be done.

8 A. Yes, sir.

9 Q. And you're familiar with the fact that some of these  
10 other countries, less-developed countries where their  
11 securities are not as pronounced here as they are in the  
12 United States, face -- fake passports are created all the  
13 time.

14 A. Yes.

15 Q. Now, having understood that the two defendants here are  
16 working as one group as the owners of SCS; right?

17 A. Correct.

18 Q. Because that's what they're doing, they're working as  
19 one person. To try to separate them, to say, well, he's the  
20 one -- he's the director, but he's not the director, but the  
21 reality of it is that they're working together to get things  
22 done.

23 A. Correct.

24 Q. They're receiving -- both receiving the benefits of  
25 what they're doing; correct?

1 A. Correct.

2 Q. That's where they're getting their pay from. That's  
3 what they're living off of --

4 A. Yes.

5 Q. -- or were at that time?

6 A. Yes.

7 Q. So when you say that Maaz Aziz was in possession of a  
8 firearm and that someone that worked for him was in  
9 possession of a firearm, they took a firearm to do a  
10 transaction, this is a conspiracy charge.

11 A. Yes.

12 Q. The events or the overt acts taken by one  
13 co-conspirator can be used against the other co-conspirator,  
14 in this case, the brother who wasn't present and didn't  
15 possess the gun, but they're doing it for that purpose of  
16 doing the illegal activity. It's a partnership in crime;  
17 correct?

18 A. Correct.

19 Q. Now, and I think at some point probably towards the end  
20 of your testimony, the defense attorneys -- well, strike  
21 that.

22 At the end of your testimony or close to the end of  
23 your testimony, I asked you if you had formed a basis for  
24 your belief that the defendants posed a serious risk of  
25 flight. Do you recall that?

1 A. I do.

2 Q. And I will ask you again: Do you still maintain that  
3 opinion that these defendants pose a serious risk of flight?

4 A. Yes.

5 Q. Why?

6 A. You look at the foreign connections. You have an SCS  
7 Canada company that's owned by SCS, or there's an ownership  
8 stake. You have Dubai contacts, a Dubai business over there.  
9 You have a Pakistan properties. You have a bank account in  
10 Pakistan. You have foreign contacts in Dubai. You have  
11 operations in other countries or contacts in other countries.  
12 So -- you have travel for business to other countries.

13 So you combine the foreign contacts, the foreign  
14 travel, the foreign businesses, the network that is  
15 established to continue this illegal activity, to include SCS  
16 Canada -- it's a functioning business -- you combine all of  
17 that along with the weight of the evidence and the fact that  
18 many of these things were not reported to pretrial, you have  
19 a serious flight risk.

20 Q. Okay. Let me just summarize that. Owners of the  
21 foreign companies?

22 A. Yes.

23 Q. Ties to foreign companies and individuals?

24 A. Yes.

25 Q. Family members living in foreign countries?

1 A. Yes.

2 Q. Foreign travel?

3 A. Yes.

4 Q. Foreign finances and bank accounts?

5 A. Correct.

6 Q. Their continued use of accounts while incarcerated.

7 A. Yes.

8 Q. Do you have any evidence of that, that they have  
9 continued to use bank accounts while incarcerated?

10 A. The Regions Bank account, yes.

11 Q. Moving money around.

12 A. Yes.

13 Q. Okay. Shared financial investments and bank accounts.

14 A. Yes.

15 Q. Ownership of closely related businesses owned by family  
16 members.

17 A. Yes.

18 Q. Incentive to avoid 20 years of jail time.

19 A. Correct.

20 Q. Knowing and working with people who produce fake  
21 documents.

22 A. Yes.

23 Q. Willingness to produce and travel with fake documents.

24 A. I'm sorry?

25 Q. Willingness to produce and travel with fake documents.

1 A. Yes.

2 Q. Family members assisting in fugitives -- with  
3 fugitives.

4 A. Yes.

5 Q. Lack of candor with the Court in regards to all of  
6 these things. None of this was reported to Judge Nowak or  
7 pretrial services. This was --

8 A. Yes.

9 Q. -- significant things to calculate as to whether these  
10 individuals should have been released but was not provided.

11 A. Correct.

12 Q. So do you believe your -- the opinion that you had at  
13 the beginning of all this that there was serious risk of  
14 flight has only gotten stronger?

15 A. Yes.

16 Q. And, lastly, I believe that defense counsel told you  
17 that it wasn't until -- or pointed out to you that it wasn't  
18 until the last two minutes of your long testimony that you  
19 finally said the word "flight." Do you recall that?

20 A. Yes.

21 Q. Wasn't the whole presentation of your PowerPoint in  
22 order for the Court to see that there is -- there is flight,  
23 by showing the magnitude of the operation, by showing the  
24 foreign contacts, by showing the individuals that they were  
25 involved with, by showing that they were operating different

1 businesses, by showing the money that's involved, the money  
2 that's being generated? Prior to using the word "flight,"  
3 was that also indicative of someone having access to the  
4 resources and ability to flee?

5 A. Correct.

6 MR. GONZALEZ: That's all I have. I will pass.

7 THE COURT: All right. Thank you, Mr. Gonzalez.

8 Given that we have returned today, if defense  
9 counsel have any additional examination for this witness, you  
10 can go forward.

11 MR. CASTLE: Thank you, Your Honor.

12 THE COURT: So Mr. Castle; right?

13 MR. CASTLE: Yes, Your Honor.

14 THE COURT: All right. You can proceed. Just make  
15 sure you speak into the microphone but not too close.

16 MR. CASTLE: Can you hear me okay?

17 THE COURT: Is it on?

18 THE COURTROOM DEPUTY: It's not on.

19 THE COURT: I don't think it's on. Make sure that  
20 light's on. Now you are.

21 MR. CASTLE: Is that better?

22 THE COURT: Yes.

23 RECROSS-EXAMINATION

24 BY MR. CASTLE:

25 Q. Agent Doering, I'll be brief. How are you?

1 A. Mr. Castle.

2 Q. Earlier, Mr. Gonzalez began his redirect of you asking  
3 about coerce and cooperation; correct?

4 A. Correct.

5 Q. You would agree that the statement was if Maaz Aziz  
6 comes in, proffers, admits wrongdoing, then we'll withdraw  
7 the motion to detain.

8 A. I believe that the statement was he can come in and  
9 we'll evaluate, or something to that effect of, after the  
10 debriefing to figure out where things are at.

11 Q. And there was no discussion, if he didn't proffer and  
12 admit, of waiving the motion to detain; correct?

13 A. Say that again.

14 Q. There was no discussion of waiving the motion to detain  
15 if he did not come in and proffer and plead guilty; correct?

16 A. Well, I don't believe there's anything about pleading  
17 guilty.

18 Q. But it was made clear that the proffer, he needed to  
19 come in and accept responsibility, not minimize his role --

20 A. Correct.

21 Q. -- and then the government would withdraw the motion to  
22 detain; correct?

23 A. Along with allowing us to evaluate him as a flight risk  
24 and his honesty. Go ahead.

25 Q. Are you finished?

1 A. I am. Sorry.

2 Q. I'm curious. Are all of the principals of Dawn  
3 Wireless detained currently?

4 A. No.

5 Q. Are all of the principles of RJ Telecom currently  
6 detained?

7 A. No.

8 Q. Are any of them still detained?

9 A. No. Of those -- so I can be clear, Dawn Wireless and RJ  
10 Telecom --

11 Q. Correct.

12 A. -- is that what you're talking about? Correct.

13 Q. So the principal owners have all been released;  
14 correct?

15 A. Correct.

16 Q. And the government withdrew its motion to detain?

17 A. Correct.

18 Q. And it was only after they agreed to cooperate;  
19 correct?

20 A. That was after we were given a debrief -- an  
21 opportunity to debrief and consider flight risk, honesty,  
22 cooperation.

23 Q. Is it safe to assume, agent, without leading too far  
24 astray here, that each one of those principals is now facing  
25 a guaranteed prison sentence?

1 A. They are facing extensive time as well.

2 Q. Wouldn't you agree that makes them more of a flight  
3 risk now that prison is absolutely certain?

4 A. I think when we have a chance to evaluate, that allows  
5 us to determine if there's any chance to mitigate flight  
6 risk. We get to talk to them. We get to understand a little  
7 better about their family situation. And we also get a  
8 chance to ask them questions and engage their honesty and  
9 determine how they're going to move forward.

10 Q. And, again, you recall from the first hearing when I  
11 asked generally that cooperation doesn't mean you're not a  
12 flight risk; correct?

13 A. Even when defendants are cooperating, they can flee.

14 Q. And you've had experience with a cooperating witness  
15 flee; correct?

16 A. Yes.

17 Q. Do you recall during the first hearing, the lots, the  
18 real estate property, the real property, the lots in Frisco?  
19 We call them the lots. Do you understand what I mean by  
20 that?

21 A. I do. The Frisco properties.

22 Q. Do you recall that this came up at the end of that  
23 hearing before Judge Nowak?

24 A. I do.

25 Q. So Mr. Gonzalez said this didn't come up at the first

1 hearing. That's not true, is it?

2 A. It didn't come up in the pretrial report.

3 Q. He said it didn't come up in the first detention  
4 hearing. You would agree it did come up; correct?

5 A. At the very end.

6 Q. And my partner, Luke Wohlford, do you recall him  
7 testifying?

8 A. He did.

9 MR. GONZALEZ: Objection. I don't recall any  
10 attorney testifying. If Mr. Wohlford said something, it  
11 wasn't evidence, so it's not in the record as evidence.

12 THE COURT: Well, I'm going to overrule the  
13 objection and allow the question. If you need to revisit it,  
14 you can, Mr. Gonzalez.

15 BY MR. CASTLE:

16 Q. Agent Doering, Mr. Wohlford explained that in light of  
17 the allegation of a financial crime, money laundering, the  
18 information and assets was delivered through counsel;  
19 correct?

20 A. It was. I believe he held up a piece of paper with the  
21 assets.

22 Q. And do you recall that he explained that -- when asked  
23 for other assets, he mentioned that the may -- the Aziz  
24 brothers may or may not be owners of real property in Frisco?

25 A. Yes.

1 Q. And he said we are uncertain because the lots were in  
2 the process of being transferred or sold prior to their  
3 indictment; correct?

4 A. I can't recall that.

5 Q. So we'll rely on the record. Then you have no reason  
6 to disagree with that statement either, do you?

7 A. Correct.

8 Q. You mentioned that Mr. Aziz has a large number of  
9 family members in Pakistan?

10 A. Based off of Duua Aziz.

11 Q. And you said it was ten cousins?

12 A. Yes, sir.

13 Q. How many cousins do you have, agent?

14 A. Extensive amount of cousins.

15 Q. Do you talk to every single one of them?

16 A. I know them all and talk to them all. Yes.

17 Q. Routinely?

18 A. Not routinely. But if I were to contact them, we would  
19 talk and they would be willing to help.

20 Q. And if you were hiding from the government, would they  
21 be willing to expose themselves to harm for you to hide with  
22 them?

23 MR. GONZALEZ: Objection, Your Honor. Relevance.

24 MR. CASTLE: Your Honor, they opened the door on  
25 ten cousins that Mr. Aziz hasn't spoken to in years, like it

1 was some nefarious omission, but it's not.

2 MR. GONZALEZ: The agent isn't the fugitive. The  
3 agent isn't the individual being accused. The agent isn't  
4 the one who is facing a 20-year sentence; the defendants are.  
5 So it's improper to ask this agent if his family members  
6 would give him comfort as a fugitive.

7 THE COURT: All right. I'll overrule the  
8 objection. But, Mr. Castle --

9 MR. CASTLE: I'll make --

10 THE COURT: -- you may want to wrap this up.

11 MR. CASTLE: Yep.

12 BY MR. CASTLE:

13 Q. Agent Doering, you would agree that you have no  
14 evidence he has any communication whatsoever with anyone in  
15 Pakistan; correct?

16 A. I don't have any evidence that he does or does not.

17 Q. Okay. So again, it would be speculation of a  
18 relationship with the cousins; correct?

19 A. People communicate with their cousins all the time.

20 Q. Okay. You mentioned foreign bank accounts in Pakistan.

21 A. Correct.

22 Q. Maaz Aziz -- you have no evidence and presented no  
23 evidence or testimony that Maaz Aziz has any bank account in  
24 Pakistan; correct?

25 A. I don't have evidence that he has a bank account, but

1     Saad has a bank account. And he has access -- I would  
2     believe he would have access to that account like he has to  
3     SCS Canada as an owner, or SCS Supply as an owner.

4     Q.     We'll come back to those companies.

5                 MR. CASTLE: I would move to strike everything  
6     after I have no evidence.

7     BY MR. CASTLE:

8     Q.     That was your belief. That was your statement;  
9     correct?

10    A.     I believe.

11    Q.     That he would have access?

12    A.     Yes.

13    Q.     You don't know. You're guessing; right?

14    A.     Based off of the prior -- based off of their  
15    relationship to date.

16    Q.     You don't know that, though, do you, agent?

17    A.     That's my belief based off their records so far.

18    Q.     You would agree belief is not knowledge; correct?

19    A.     It's what I'm basing it off of today.

20    Q.     That's not my question. My question is a little  
21    different.

22                 You would agree that a belief is not necessarily a  
23    fact; correct?

24    A.     It's my opinion today.

25    Q.     An opinion is not necessarily a fact.

1 A. It's my belief today.

2 MR. CASTLE: This isn't even logical at this point,  
3 Your Honor. If you would ask him to respond to my question.

4 BY MR. CASTLE:

5 Q. Do you agree that a belief is not a fact?

6 A. It's not a fact.

7 Q. Thank you. In terms of real property in Pakistan, that  
8 doesn't apply to Maaz Aziz; correct?

9 A. There is property listed in that notebook that doesn't  
10 have a name on it. I don't know that that's his property or  
11 not his property.

12 Q. So you have no knowledge of him owning any property in  
13 Pakistan; correct?

14 A. No evidence today.

15 Q. And in terms of close family members owning a business,  
16 you have no knowledge of Maaz Aziz's wife owning a business  
17 with him; correct?

18 A. No.

19 Q. In terms of we talked about going to an embassy for a  
20 replacement passport. You said they could do so with certain  
21 documentation. What documentation?

22 A. I'm no expert when it comes to the Pakistani consulate  
23 process. But internet research, it appears a national  
24 identity card, copies of a passport, other supporting  
25 documentation. But it can be done based off the internet

1 research.

2 Q. Can we now have copies of a expired passport?

3 A. I can't answer that.

4 Q. So you would agree, like last hearing, you are not an  
5 expert, have no special knowledge, offer no experience with  
6 the Pakistani passport process, policies, or procedures;  
7 correct?

8 A. No, but Saad and Maaz Aziz would have experience with  
9 that.

10 Q. How would they have experience with that, finding a  
11 replacement passport? What's that based on?

12 A. With the passport process in general.

13 Q. My question though, agent, is you don't know that they  
14 could actually go get a passport today; correct?

15 A. I don't know that.

16 Q. So, again, a belief --

17 A. A belief.

18 Q. -- or speculation?

19 You mentioned that they were associated with people  
20 who can create forged identities, from questions with  
21 Mr. Gonzalez; correct?

22 A. Correct.

23 Q. And earlier, last time you testified that your  
24 investigation had uncovered people who created false  
25 identities; correct?

1 A. Correct.

2 Q. And if I read your testimony correctly on your direct  
3 from Mr. Gonzalez from the last hearing, it said you've  
4 identified two people; correct?

5 A. Correct.

6 Q. And that was Mr. Sims and Mr. Trent?

7 A. Correct.

8 Q. And I'll spare the Court and everyone the time of going  
9 through it all. You don't know that they've ever met,  
10 spoken, talked, communicated, or know how to get in touch  
11 with each other; correct?

12 A. Correct. But through the conspiracy, through their  
13 activities, through Maaz Aziz's street activities, they would  
14 have associations with individuals that could know identity  
15 traffickers.

16 Q. Like Rayquan Green.

17 A. Like Ryeshawn Green or individuals like him.

18 Q. And you also testified the last time you have no  
19 evidence he's ever met, spoken to, communicated with, knows  
20 how to reach --

21 A. No.

22 Q. -- Ryeshawn Green.

23 A. Through the conspiracy, through the association,  
24 through the street trafficking, connections they could, my  
25 belief, find someone through those channels easier than an

1 ordinary person to obtain those underlying fraudulent  
2 documents.

3 Q. Could possibly, maybe, if they got lucky. You have no  
4 idea though; correct?

5 A. Better access than an ordinary person.

6 Q. Agent, wouldn't you have better access than the  
7 ordinary person?

8 MR. GONZALEZ: Objection. Argumentative.

9 THE COURT: Sustained.

10 MR. CASTLE: I'll withdraw it, Your Honor. My  
11 apologies.

12 MR. CASTLE:

13 Q. You have no knowledge that they have -- or evidence  
14 they would know who to contact to create a false passport;  
15 correct?

16 A. I don't have direct knowledge of that.

17 Q. And you mentioned some people in Houston today, for the  
18 first time, making false passport cards; correct?

19 A. Yes. That's another arm, if you will, of the  
20 investigation.

21 Q. Do you have any evidence that -- linking Maaz Aziz to  
22 those people who are still unnamed?

23 A. No evidence that he knows them, but evidence that  
24 passport cards can be created fraudulently.

25 Q. But you have no access that he knows how to go from

1 point A to point C without going through point B, which is  
2 knowing who to ask. You would agree with that; correct?

3 A. The individuals to ask are the street traffickers.

4 Q. The street traffickers like Ryeshawn Green who he's  
5 never spoken to.

6 A. And other individuals. I don't know every individual  
7 that SCS has obtained financed phones from, at this point in  
8 the investigation.

9 MR. CASTLE: Almost done here.

10 (Counsel confer.)

11 BY MR. CASTLE:

12 Q. Do you recall Mr. Gonzalez asked you recently that, you  
13 know, the faked COVID pass -- COVID test result shows a  
14 willingness to travel on false documents?

15 A. Correct.

16 Q. And we've agreed in the past, just to make sure we're  
17 still consistent, that changing a signature or a name on a  
18 PDF is a far cry -- a far more rudimentary than forging an  
19 American passport; correct?

20 A. Correct. It's more -- it's rudimentary -- more  
21 rudimentary.

22 Q. And do you recall in the first hearing we mentioned the  
23 same thing about a willingness to --

24 A. Yes.

25 Q. -- travel? And I asked you during that hearing, a

1 willingness without ability is indicative of nothing, and you  
2 agreed. Do you recall that?

3 A. I do.

4 Q. And do you still agree with that?

5 A. With the -- without the ability to travel?

6 Q. The willingness to travel without the ability to get a  
7 fake passport doesn't really indicate much of anything, does  
8 it?

9 A. You need the ability to do that, and I believe they  
10 could have that ability in this case.

11 Q. But here we go back to verbs like "could." You don't  
12 know they have the ability, do you? We're here on evidence  
13 today, not belief.

14 A. They do have -- they deal in street trafficking, which  
15 this conspiracy has shown a broad network of individuals that  
16 obtain financed phones, devices, through identity theft.

17 Identity theft is created by identity  
18 manufacturers. Access to those individuals or individuals  
19 that know them could lead you to passports, passport cards --

20 Q. Could --

21 A. -- underlying identity sets --

22 Q. Oh, I'm sorry. Pardon me.

23 A. -- underlying identity sets to obtain those passports.

24 Q. And so far, we've heard three names from the street  
25 trafficking identity manufacturers: Mr. Sims, Mr. Trent, and

1 Mr. Green; correct?

2 MR. GONZALEZ: Objection. Asked and answered.

3 MR. CASTLE: I'm just confirming that's it, if we  
4 have this new Houston angle who are unnamed people.

5 THE WITNESS: Those are the ones we've talked  
6 about, but there's Houston -- there is a Houston cell as  
7 well.

8 BY MR. CASTLE:

9 Q. So outside of Mr. Sims and Mr. Trent, who are the  
10 people in Houston?

11 A. It's -- give me one second -- it's Cesar -- it's a very  
12 long last name, I can't -- Nepomuceno, I believe is what it  
13 is, and Reyes, are two individuals that are indicted out of  
14 the Houston cell that are -- were involved with identity  
15 sets, manufacturing identity sets.

16 Q. So out of those five people, you have no evidence or no  
17 knowledge that Maaz Aziz can communicate with them; correct?

18 A. Not that Maaz Aziz knows them, no.

19 Q. Or that Maaz Aziz knows how to contact them?

20 A. No.

21 THE COURT: Mr. Castle, if you pause for a moment,  
22 I just want to ask the agent a question on those two  
23 individuals in Houston.

24 Were those the individuals in Houston you  
25 referenced earlier with regard to the passport cards?

1 THE WITNESS: Yes, sir.

2 THE COURT: All right. I wanted to make sure.

3 You can proceed, Mr. Castle.

4 MR. CASTLE: All right. Thank you, Your Honor.

5 THE WITNESS: "Nepomuceno" is the last name of  
6 that -- yeah.

7 BY MR. CASTLE:

8 Q. I'm not certain, sir --

9 A. Nepomuceno is one of the indicted individuals.

10 Q. Okay. And do you recall that during the last hearing  
11 you testified that they could potentially provide a means by  
12 which they could possibly get to a passport?

13 A. Who?

14 Q. You.

15 A. No. Who could?

16 Q. Maaz Aziz?

17 A. That they could potentially...

18 Q. I'm reading here -- could potentially provide means by  
19 which they could possibly get a passport.

20 A. I'm sorry. Just ask one more time.

21 Q. You testified previously that the same -- about the  
22 street crimes could potentially provide means by which they  
23 possibly could get a forged passport; correct?

24 A. A passport or identity sets?

25 Q. You said identity sets. It said potentially to a

1 passport --

2 A. To a passport, correct. Yes. Now I recall.

3 Q. And at the last hearing, from questioning from me and  
4 the Court, you testified you weren't aware of any passports  
5 at that time; is that correct?

6 A. That's correct.

7 Q. So did the Houston angle come up in the last ten days?

8 A. It did not. It's just -- it's a large investigation.  
9 It's one of the -- it wasn't my primary investigation. We  
10 had a Houston DPS agent run that, and that just slipped  
11 through the cracks.

12 Q. So your prior testimony then was inaccurate.

13 A. It was accurate at the time.

14 Q. It was inaccurate at the time, but --

15 A. Based on the information --

16 (Court reporter clarification.)

17 BY MR. CASTLE:

18 Q. It was inaccurate at the time, but it was not  
19 intentionally inaccurate.

20 A. It was not intentionally inaccurate.

21 Q. So it was inaccurate, though, correct, because you had  
22 that information previously?

23 A. I had the information. It just -- I didn't recall it  
24 at the time preparing for the hearing.

25 Q. Mr. Gonzalez asked you about family members who harbor

1 fugitives; correct?

2 A. Correct.

3 Q. We went through this last time; correct?

4 A. We did.

5 Q. And just to confirm nothing else has changed, the only  
6 two people who are accused of wrongdoing in that are in  
7 prison; correct?

8 A. Correct.

9 Q. Ms. Aziz, Maaz's wife, was never accused of any  
10 wrongdoing; correct?

11 A. No.

12 Q. She wasn't ever accused of being uncooperative, was  
13 she?

14 A. No.

15 Q. And she was never contacted or communicated with;  
16 correct?

17 A. Not as -- not to my knowledge, no.

18 Q. So when you say they have family members who are  
19 willing to harbor fugitives, those two people are in prison  
20 now; correct?

21 A. They're in jail.

22 Q. And there's no evidence anyone else was involved with  
23 that; correct?

24 A. Not at this time.

25 Q. When we were here last time, I asked you about the

1 Anker vacuums and you learned they weren't stolen. When did  
2 you learn the Anker vacuums weren't stolen?

3 A. It was -- had to have been October 12th, 14th,  
4 somewhere in that time frame.

5 Q. And last time you testified, the statement was, you  
6 said, I can't predict the future based off what we have  
7 today. Do you recall testifying to that?

8 A. I think I was -- I can't predict the future. I can  
9 only go based -- I can only base it off of today -- base my  
10 opinion off today.

11 Q. Yeah. I can't predict the future based off what we  
12 have today. I can pull the quote up if you would like to see  
13 it.

14 A. If that's what it is. I think what I was trying to say  
15 is I can't predict the future. I can only base my opinion or  
16 base what I have off today.

17 Q. Okay. And your -- a lot of the testimony you've  
18 offered is based on opinion, belief, speculation, what might  
19 happen; correct?

20 A. Correct, based off the investigation.

21 Q. And you recall Mr. Gonzalez saying that since the  
22 meeting prior to indictment, they now are facing 20 years in  
23 prison; correct?

24 A. Correct.

25 Q. And do you recall, during the first hearing before

1 Judge Nowak, that we pointed out the claims you've charged  
2 them with, they'll get 65 years if the sentences are stacked.

3 Do you recall that?

4 A. I do.

5 Q. And so you can agree 65 years is far more than 20;  
6 correct?

7 A. It is.

8 Q. And did you explain to them and advise them about the  
9 65 years; correct?

10 A. We did.

11 Q. And they never fled, did they?

12 A. Not then.

13 Q. So the 65 years didn't scare them, but now 20 is. Is  
14 that your testimony?

15 A. I think it's significant time. Now that there's been  
16 the weight of evidence presentation, I think that plays into  
17 it. There is more facts before them. They've heard what  
18 those facts are. So the strength of the evidence along with  
19 the sentence go hand in hand, it amplifies it.

20 Q. And you would agree that the weight of the evidence  
21 comes into play after the serious risk of flight's been  
22 determined; correct?

23 A. I do, but it's part of the risk of flight.

24 Q. And they were told that they're going to be charged  
25 with all seven counts in the indictment prior to indictment;

1 correct?

2 A. Correct.

3 Q. You told them they were going to be indicted prior to  
4 indictment; correct?

5 A. They were.

6 Q. And they had their passports and they had their money,  
7 and they didn't flee, did they?

8 A. They had their passports and they did not flee.

9 Q. And they had access to the same accounts they have  
10 access to now; correct?

11 A. Correct.

12 Q. And they didn't flee, did they?

13 A. Not at that time.

14 Q. And now because, as Mr. Gonzalez says, they're facing  
15 20 years, when we told them it was 65 years, now they're  
16 going to be scared. Is that your position?

17 A. 20 years, 65 years, it's a long time.

18 Q. Oh, I think we can agree on that.

19 MR. CASTLE: Pardon me. Strike that. Sorry, Your  
20 Honor.

21 BY MR. CASTLE:

22 Q. Other than the statement in pretrial services -- and  
23 just as a background question, you weren't in the pretrial  
24 services interview, were you?

25 A. No.

1 Q. So you don't know what was said or what was not said;  
2 correct?

3 A. Just the report.

4 Q. And do you have any evidence, other than what was said  
5 in the pretrial statement, that Maaz Aziz is an owner of SCS  
6 Supply?

7 A. Just his statement.

8 Q. Are you aware of -- are you aware or have you ever  
9 heard of witnesses getting nervous talking to pretrial  
10 services?

11 A. I'm sure it happens.

12 Q. Have you ever heard of pretrial services making a  
13 mistake in a report?

14 A. I'm sure it happens.

15 Q. In fact, you have evidence that shows the opposite,  
16 that Maaz Aziz does not own SCS Supply; correct?

17 A. What's that evidence?

18 Q. Don't you have the books and records of SCS?

19 A. I do. I also have the fact that he was a joint  
20 signatory on two different SCS accounts. I have SCS Canada,  
21 a document where there is a profit-sharing draw down, and  
22 then bank records through Regions where it actually shows a  
23 wire transfer to him with the memo SCS-CA, which would  
24 indicate a payment from SCS Canada.

25 So while he is not documented on paper, that

1 doesn't mean that there's still not ownership arrangement  
2 between the two brothers.

3 Q. You saw the handwritten note. That's the same one last  
4 time we talked about?

5 A. There's that handwritten note. And then if you  
6 go to --

7 Q. I just want to stick with the handwritten note, agent,  
8 right now, if you don't mind.

9 A. I'm sorry?

10 Q. I just want to stay on the handwritten note.

11 A. That's fine.

12 Q. And that was the one where you said you have no context  
13 for what this means, and you assumed and believed what it  
14 meant; correct?

15 A. That's based off of those records, I formed an opinion.

16 Q. And you couldn't read parts of that either; correct?

17 A. There was a couple of lines, but I was able to read  
18 other parts of it.

19 Q. A part, but you couldn't read the entire document.

20 A. Not the entire.

21 Q. And you talked to no one about it; correct?

22 A. I talked --

23 Q. You talked to no one about it; correct? About the  
24 document, what it means?

25 A. With who?

1 Q. Any of your myriad of co-conspirators, alleged  
2 co-conspirators, cooperating co-defendants?

3 A. No.

4 Q. So the entirety of that testimony is what you believe  
5 that document means. You have no knowledge whatsoever what  
6 that document means; correct?

7 A. We have that document, what it says, and it refers to  
8 SCS Canada with amounts to both Maaz and Saad, which  
9 correspond to financial statements obtained through the  
10 search warrant.

11 Q. And you have no knowledge or context of what that  
12 handwritten document means; correct?

13 A. Only what it says, and the other records.

14 Q. But you're guessing as to what --

15 MR. GONZALEZ: Asked and answered, Your Honor.

16 THE COURT: I'm going to sustain that. I think --  
17 I think this had been covered.

18 BY MR. CASTLE:

19 Q. You mentioned travel earlier, that Maaz Aziz traveled  
20 to Canada for business?

21 A. Yes.

22 Q. Do you know what business that was?

23 A. I believe it was for the opening of SCS Canada.

24 Q. Do you believe or do you know?

25 A. I know he had traveled. I know when it was

1 incorporated. And then you have his statement to probation  
2 saying it was for business.

3 Q. And is it your testimony that every trip that's listed  
4 on that list of flights is business travel to Canada?

5 A. I have his statements of what was business, and then I  
6 have those supporting documents that support that statement.

7 Q. And I'm asking you is the Customs list of flights you  
8 previously provided, is it your position that every flight to  
9 Canada was for business purposes?

10 A. I can't make that assertion that every flight is for  
11 business, or that it wasn't for business, or that it wasn't  
12 for both.

13 Q. And when you said Mr. Aziz said that he went to Dubai  
14 for business travel, there was the GITEX conference; correct?

15 A. Correct.

16 Q. And there's nothing illegal about attending to a  
17 conference; correct?

18 A. It's a business where you can make foreign contacts,  
19 foreign business ventures. That's what that business is for,  
20 or that expo was for.

21 Q. And it's a conference; right?

22 A. Expo. Yeah.

23 Q. And there's nothing illegal about attending an expo, is  
24 there?

25 A. It's for -- it's business travel.

1 Q. And we've been through this ad nauseam in the past.

2 I'm just going to summarize. You have no evidence of Maaz  
3 Aziz having personal ties to anyone in Dubai; correct?

4 A. No.

5 Q. I'm not correct? Or correct, you have no evidence?

6 A. I don't know of any individuals he personally knows in  
7 Dubai.

8 Q. So you're talking about the deep ties he has to Dubai.  
9 You can't name a single person with whom he has deep ties --

10 A. He has business -- SCS has business ties to Dubai.

11 Q. Right. So SCS has business ties. But you can't show  
12 that Maaz Aziz has any ties; correct?

13 A. I can show that the business has ties; that they opened  
14 up a DAFZA branch there in Dubai; and that they also have a  
15 Dubai-based shop that is tied to SCS, and Maaz Aziz is an  
16 owner of SCS.

17 Q. And you have no evidence, though, he has any personal  
18 contacts in Dubai; correct?

19 A. He is in charge -- he is a head of sales. He is an  
20 owner of SCS as is his brother, Saad. I would allege that  
21 they have business contacts in Dubai to run that shop and to  
22 run that DAFZA business.

23 Q. Can you name one person in Dubai with whom he has --  
24 you have evidence of him having communications?

25 A. I can't name one person.

1 Q. So you have no evidence, other than a belief as to his  
2 ownership in SCS, as to what may or may not be there ties --  
3 with these close ties in Dubai.

4 A. Correct. They have business ties in Dubai.  
5 With business come people.

6 Q. And you can't name a single person he has a tie to.

7 A. I can't name a single person, but I don't know that he  
8 doesn't have those contacts as well.

9 Q. And in Pakistan, you can't name -- identify a single  
10 person with whom he has had contact within the last two  
11 years, can you?

12 A. I don't know who he's had contact with.

13 Q. But my point is you can't identify one person; correct?

14 A. Just that he has family and there's property over  
15 there.

16 Q. In your prior testimony you mentioned, what, 1,074  
17 pallets?

18 A. Yes, sir.

19 Q. And you had been through I believe 751 pallets as of  
20 that date; is that correct?

21 A. It was something to that, yes.

22 Q. And if I understood your testimony correctly --

23 MR. GONZALEZ: Your Honor, goes beyond the scope of  
24 redirect, and this has already been asked and answered.

25 MR. CASTLE: Your Honor, he opened the door to the

1 weight of the evidence. He's saying the weight of the  
2 evidence, all the evidence. And, Your Honor, I would say  
3 that would open the door.

4 THE COURT: Overrule the objection. You can ask  
5 the question.

6 MR. CASTLE: I'll be very, very brief, Your Honor.

7 BY MR. CASTLE:

8 Q. You mentioned that 751 pallets had been confirmed as  
9 stolen, obtained fraudulently, or whatnot; correct?

10 A. Correct.

11 Q. And the remaining pallets you were still going through;  
12 correct?

13 A. Correct.

14 Q. Where are the Anker vacuum pallets of a thousand  
15 seventy-four?

16 A. They are outside of the 751.

17 Q. So part of the remaining 323?

18 A. Correct.

19 Q. Okay. And we know those were obtained legally;  
20 correct?

21 A. Those were obtained from a company.

22 Q. And you recall the flight list you provided and you  
23 obtained from Customs; correct?

24 A. Correct.

25 Q. And there were multiple columns, airport codes, and

1       there was a column that had either OBD or NBD.

2       A.       Correct.

3       Q.       And what do you recall or what is your understanding  
4       what NBD means?

5       A.       Just looking at that category and trying to match  
6       flights up, inbound and outgoing bounds, it appeared that the  
7       NBD would appear not onboard.

8       Q.       Okay. And OBD was onboard?

9       A.       On board. That's my understanding, but --

10      Q.       And you would agree that the travel you provided -- I'm  
11      just trying to move along quickly here -- contained multiple  
12      flights for the category NBD, which means not onboard;  
13      correct?

14      A.       I would have to look at it again.

15               MR. CASTLE: Your Honor, may I speak with  
16      Mr. Gonzalez for one second?

17               (Counsel confer.)

18      BY MR. CASTLE:

19      Q.       Can you see that okay?

20      A.       Yes, sir.

21      Q.       You would agree that there is at least -- we can count  
22      them all together -- one, two, three, four --

23               THE COURT: You may want to speak into the  
24      microphone.

25      BY MR. CASTLE:

1 Q. If we count them all together, would you agree that  
2 there is one, two, three, four, five, six, seven, eight,  
3 nine, ten, eleven, twelve, thirteen NBDs --

4 A. Okay.

5 Q. -- on this chart; correct?

6 A. That's what the chart says, yes.

7 Q. A significant number of the alleged flights or  
8 international travel that was testified to, he wasn't even  
9 onboard the plane; correct?

10 A. There is also a significant number of flights that he  
11 did board.

12 MR. CASTLE: In fact, that's nonresponsive.

13 THE COURT: Sustained.

14 THE WITNESS: I'm sorry.

15 BY MR. CASTLE:

16 Q. You would agree there's a significant number of flights  
17 where he was not onboard; correct?

18 A. Correct.

19 Q. What does -- on the bottom of this page, what do REQ  
20 mean? What does REQ mean?

21 A. I can't see what you're looking at.

22 Q. Oh, I'm sorry.

23 A. I don't know the answer to that.

24 Q. So he may or may not have been on those flights, too;  
25 correct?

1 A. I can't answer that.

2 Q. So you don't know.

3 And then you would agree that the first record here  
4 is 2002?

5 A. Yes.

6 Q. And then you have an outbound flight in 2007 to  
7 Toronto. Do you see that?

8 A. Yes.

9 Q. Do you know how old Maaz Aziz was in 2007?

10 A. He would have been 14.

11 Q. So you'd agree that's not for business; correct?

12 A. It could be to visit the family that's up there that  
13 has SCS Canada.

14 Q. But SCS Canada wasn't formed until '19.

15 A. He has family up there, though.

16 Q. Did they live there in 2019?

17 A. Jawaad Farooq, the cousin?

18 Q. Yeah. Do you know when he moved to Canada?

19 A. I don't know when he moved to Canada.

20 Q. You don't know if he was there in 2007, or not;  
21 correct?

22 A. No.

23 Q. You would agree this chart shows his international  
24 travel from the time he was a teenager through today;  
25 correct?

1 A. Correct.

2 Q. You would agree it's a little bit misleading, when you  
3 talk about a 14-year-old, and put this out there and say this  
4 is his whole travel, when most of it or big chunks of it are  
5 irrelevant where he wasn't on the plane or was a child;  
6 correct?

7 A. No, I don't agree with that. I think there's a  
8 significant amount of travel that's still international and  
9 he's of age and he was conducting this business. If you  
10 scroll up ... sorry, too far.

11 Down there in Bogota, in 2019, to Colombia, he  
12 stated that was for business. And about a few months after  
13 that we started seeing incoming payments from the country of  
14 Colombia. So I would say that is for business, which is what  
15 we're focused on. And Toronto and Dubai. So business  
16 travel.

17 Q. My point, agent, is, for example, like Bogota, in order  
18 for this flight to be on this list, he would have had to use  
19 a passport; correct?

20 A. Correct.

21 Q. And he apparently used his passport; correct?

22 A. Correct.

23 Q. Do you have any evidence he's ever traveled illegally  
24 abroad without a passport?

25 A. No.

1 Q. Earlier, Mr. Gonzalez asked you something, you know,  
2 people come into this country illegally every day. Do you  
3 recall that?

4 A. Yes.

5 Q. And you said why wouldn't the opposite be true? You  
6 heard that.

7 A. Yes.

8 Q. Wouldn't that be true for every single criminal  
9 defendant in the country?

10 A. If someone wants to leave and they're motivated to do  
11 that, they could do that.

12 Q. So you would agree that plan is really not that  
13 indicative of Maaz Aziz, the defendant we're here on, being a  
14 flight risk; right?

15 A. I wouldn't say that every defendant has the foreign  
16 ties, family in foreign countries, the businesses, the  
17 network set up either.

18 Q. Is it the government's position that a naturalized  
19 citizen is always a flight risk because they were born in a  
20 foreign country?

21 A. It's the position here that there's a flight risk just  
22 because of all of those factors I just stated which --

23 Q. Right. You would agree we've established most of those  
24 don't apply to Maaz Aziz; correct?

25 A. As far as ...

1 Q. Foreign bank accounts, foreign property, having family  
2 members own close businesses. None of those apply; correct?

3 A. He has the cousin in Canada that owns SCS Canada.  
4 There's Dubai businesses, which through his SCS ownership and  
5 position, he would have access to. And has familial property  
6 in Pakistan, which I think he would have access to.

7 Q. And last time he was in Canada, you would agree, was  
8 2019?

9 A. At the time that SCS Canada was incorporated.

10 Q. My question is simply that he hadn't been there since  
11 2019; correct?

12 A. Can you scroll up just for --

13 Correct.

14 Q. And just to remind the Court, you haven't identified a  
15 single person he can call in Dubai; correct?

16 A. Correct.

17 Q. You can't identify a single person he can call in  
18 Pakistan; correct?

19 A. Other than his family.

20 Q. But you don't know what the relationship is with those  
21 people, though; correct?

22 A. I would assume that word, that "family" -- that you can  
23 contact family.

24 Q. But you don't know that, do you?

25 A. I don't know that.

1 Q. And when is the last time you see him in Pakistan?

2 A. Might not necessarily see him in Pakistan if he  
3 connects through Dubai.

4 Q. Or Qatar, perhaps?

5 A. Qatar? I only see 2018.

6 Q. And the only statement or the only evidence you have of  
7 him owning SCS Supply is the statement reported by Pretrial  
8 that may or may not be accurate; correct?

9 A. The statement, joint signature accounts for SCS or for  
10 SCS Supply Chain, for Smart Cellular, which was the name of  
11 the business before that. There are other factors that  
12 provide weight to that statement.

13 Q. You would agree someone other than an owner can have  
14 signatory authority on an account; correct?

15 A. They can.

16 Q. But you would agree that's not dispositive of whether  
17 he owns the company; correct?

18 A. If you take that, along with cooperating defendant  
19 statements that say they worked together; their roles in the  
20 company; if you look at all of that -- the fact that he's not  
21 listed on SCS Canada's Certificate of Incorporation, but yet  
22 he's taking share drawdowns on Canada; he's getting wires  
23 with the memo for SCS Canada, which are indicative of  
24 ownership -- that lends credibility to the fact that him not  
25 being listed on the Certificate of Incorporation doesn't

1 necessarily mean he's not an owner.

2 Q. It doesn't lend credibility to the fact he's also an  
3 owner; correct? I mean, Maaz and he agree that those amounts  
4 could be a loan.

5 A. It could. But when you look at this February 21  
6 statement for SCS Canada, there is a bonus that lists Saad  
7 and Maaz for 25,000 and it says a share draw, which I believe  
8 would be a shareholder draw, which is indicative of  
9 ownership.

10 Q. But you don't know that; correct?

11 A. I'm basing --

12 Q. Just a belief.

13 A. I'm basing that off of this evidence right here.

14 MR. CASTLE: Your Honor, I'm almost done. Just  
15 give me one second to wrap up.

16 BY MR. CASTLE:

17 Q. Do you recall the last hearing I mentioned to you that  
18 you testified -- your testimony -- I asked if your testimony  
19 was based on speculation. You said yes, and based on my  
20 beliefs; correct?

21 A. Correct.

22 Q. But as we sit here today, you can't testify or tell  
23 this Court with any degree of certainty that it's more likely  
24 than not that they're going to flee, can you?

25 A. I can base that off of the evidence that I've talked

1 about so far, my opinion.

2 Q. But --

3 A. The totality of the case.

4 Q. The weight of the evidence again?

5 A. The weight of the evidence. What we've talked about.

6 Q. Okay. So no ownership, no foreign ties, no people, no  
7 relationship with document forgers, but that's your opinion.

8 A. Can you say those three again?

9 Q. Went through a laundry list. I just wanted to be sure.

10 No foreign bank account for Maaz Aziz; correct?

11 A. In his name that I know of.

12 Q. Well, based on what you know today; correct? We're in  
13 a live hearing before this Court. It's evidentiary.

14 A. Correct. But there are also other items that weren't  
15 listed on the Probation --

16 Q. I understand Maaz Aziz does not list --

17 A. -- the two properties in --

18 Q. Frisco?

19 A. -- Frisco. The Regions Bank account wasn't listed. He  
20 has a coin-based account, which is crypto, that wasn't listed  
21 that I know of. And you also look at SCS Canada.

22 (Counsel confer.)

23 BY MR. CASTLE:

24 Q. So you said the crypto wasn't listed?

25 A. Not that I know of.

1 Q. Do you see \$180,000 listed in bonds?

2 A. I don't know why that would be listed under bonds.

3 Q. Because, are you aware, that pretrial services  
4 indicated that they thought crypto was like stocks and bonds  
5 and other securities, despite IRS rulings and SEC rulings to  
6 the contrary? Are you aware of that?

7 A. I'm not aware of that.

8 Q. If I represent to you the \$180,000 is the crypto, do  
9 you have any reason to dispute that representation?

10 A. Not if that's what you're saying.

11 Q. And in terms of the lots not being disclosed, that's  
12 not true, is it, agent?

13 A. It wasn't disclosed to Probation.

14 Q. Agent, are you aware -- we asked you earlier about  
15 testimony or statements Mr. Wohlford made at the end --

16 (Court reporter clarification.)

17 BY MR. CASTLE:

18 Q. -- Mr. Wohlford made at the end of the hearing.

19 MR. GONZALEZ: Your Honor, that's not evidence.  
20 What Mr. Wohlford said is not evidence.

21 THE COURT: Sustained. You may want to rephrase  
22 that.

23 BY MR. CASTLE:

24 Q. Do you recall Mr. Wohlford stating that that  
25 information had been turned over to pretrial services and --

1 MR. GONZALEZ: And I would object to that  
2 statement. There is no proof that anything was turned over.  
3 Mr. Wohlford made a statement that he presented it, but he  
4 could have called the pretrial services officer and he failed  
5 to do that. So there is no evidence before this Court that  
6 Mr. Wohlford did any of this.

7 THE COURT: I'm going to sustain that just to the  
8 extent that I think your question is what Mr. Wohlford stated  
9 at a hearing; correct?

10 MR. CASTLE: Correct, Your Honor.

11 THE COURT: All right. As long as that's clear.

12 BY MR. CASTLE:

13 Q. Did Mr. Wohlford present any statements to the Court,  
14 and during the very first hearing before Judge Nowak,  
15 regarding disclosure of the two lots?

16 A. He did present a statement.

17 Q. And do you have any reason to believe Mr. Wohlford was  
18 lying?

19 A. No.

20 Q. Do you have any evidence Mr. Wohlford was lying?

21 A. No.

22 Q. Are you aware that Mr. Wohlford was proffering that  
23 information as to what was communicated to pretrial services?

24 A. Correct.

25 Q. And the judge accepted that; correct?

1 A. I believe she did.

2 Q. And she admonished him: Why didn't you mention this  
3 earlier? Do you recall that?

4 A. Um-hum, yes.

5 Q. And he said *I'll fall on my sword, Your Honor.*

6 A. He did say that.

7 Q. So the crypto was disclosed. Lots were disclosed;  
8 correct?

9 A. At the end of the hearing.

10 Q. That's still disclosure. They were disclosed prior to  
11 the hearing; right?

12 A. Yes.

13 Q. So no ties to any forger. Remember last time I asked  
14 you, are you basically saying this mere possibility that they  
15 could get a passport or travel documents because they may  
16 know somebody who knows somebody who makes 16 phone calls --

17 MR. GONZALEZ: Objection. Asked and answered  
18 several times.

19 THE COURT: I'm going to sustain that. I think,  
20 Mr. Castle, a lot of the questions you're going through now  
21 are -- is material you've been through with this witness,  
22 even again today. And I feel like I understand the points  
23 you're making. But it feels like you're retreading where  
24 you've been today and where you were at the last hearing.

25 MR. CASTLE: Your Honor, my apologies. I've heard

1 a lot of retreading and testimony today that caught me off  
2 guard, so I felt the need to confirm which version was right.  
3 So ...

4 THE COURT: All right. Thank you, Mr. Castle.

5 MR. CASTLE: Pass the witness.

6 THE COURT: All right. Mr. Meyer, how long do you  
7 think you have? Because we are going to finish this today,  
8 and I do want counsel on both sides to be mindful of let's  
9 try to avoid retreading waters that we already went through  
10 before.

11 MR. MEYER: Yes, Your Honor. I can assure you that  
12 nobody is motivated to finish today as our clients are.

13 THE COURT: You can proceed.

14 MR. MEYER: Thank you, Your Honor.

15 RE CROSS-EXAMINATION

16 By MR. MEYER:

17 Q. Agent Doering, not to -- to the Judge's point, not to  
18 retread too much ground, I just want to make sure the record  
19 is clear after your redirect today. There is no evidence  
20 that my client, Saad Aziz, has direct contact with Greg  
21 Trent, who's one of the identity forgers that you've  
22 mentioned.

23 A. Correct.

24 Q. Okay. And is Mr. Trent currently detained or is  
25 Mr. Trent released?

1 A. Released.

2 Q. Okay. So Mr. Trent's an identity forger who the  
3 government believes has forged numerous identities, and he's  
4 currently on release.

5 A. Correct.

6 Q. Okay. And Richard Sims, who is defendant 42, who is I  
7 think one of the other identity forgers you've mentioned,  
8 there's no evidence that my client, Saad Aziz, has direct  
9 ties to him, is there?

10 A. Correct.

11 Q. And is Mr. Sims currently released or detained?

12 A. Released.

13 Q. And the two new individuals you mentioned today, who  
14 I'm going to say are defendants 63 and 64, because I cannot  
15 pronounce defendant 63's name, and 64 is Reyes -- was the  
16 individuals in Houston. There is no evidence that my client  
17 has any direct involvement or contact with them; is that  
18 correct?

19 A. Correct.

20 Q. And Mr. Trent and Mr. Sims, were they released after  
21 they had an opportunity to debrief with the government?

22 A. Yes.

23 Q. And Mr. Obeidat, who is defendant 84, was arrested on  
24 August 24th and released on August 31st. Did he have an  
25 opportunity to debrief with the government?

1 A. He did.

2 Q. And that's the individual the government that the  
3 government did three controlled sales with; is that right?

4 A. It is.

5 Q. And at least two of those sales, according to the  
6 Fourth Superseding Indictment, Mr. Obeidat was told to his  
7 face that these were stolen products; is that right?

8 A. They represented, yes.

9 Q. Okay. And nonetheless, the government met with him, he  
10 was forthcoming; and, therefore, decided that he could -- he  
11 could be released.

12 A. Correct.

13 Q. You mentioned earlier that it is possible for a client  
14 to go to a embassy and get a replacement passport. Do you  
15 have any idea how long that process takes?

16 A. I think from the website it said somewhere between  
17 seven to ten weeks; expedited, maybe three weeks.

18 Q. Okay. Do you -- are you -- so you could do an expedite  
19 in three weeks; is that right?

20 A. Don't hold me -- it's somewhere in that time frame.

21 Q. And that's based on the website of the Pakistani  
22 Consulate.

23 A. Correct.

24 Q. Not direct contacts with the Pakistani citizenship  
25 service, whatever that may be.

1 A. No.

2 Q. And when was the raids executed on my client's house  
3 and business?

4 A. August 24th.

5 Q. And when did my client self-surrender?

6 A. I believe it was September 23rd.

7 Q. That's more than three weeks; is that right?

8 A. Correct.

9 Q. Are you aware of him requesting an expedited Pakistani  
10 passport in those three weeks?

11 A. No, sir.

12 Q. And were you present when my client's house was raided  
13 by the FBI, or were you at the warehouse?

14 A. I was neither.

15 Q. Okay. You've been on -- have you conducted search  
16 warrants before?

17 A. Yes.

18 Q. Is it normal for officers to bring firearms?

19 A. Yes.

20 Q. Were firearms brought to my client's house in the  
21 morning of August 24th?

22 A. You mean, like, on their person?

23 Q. Yes.

24 A. Yes.

25 Q. Okay. And are you aware that Mr. Aziz has two children

1 under the age of three?

2 A. Yes.

3 Q. So we've talked a lot about the seriousness of the  
4 presentation that's been made to Mr. Aziz twice now. Do you  
5 think that he probably understood that it was pretty serious  
6 when armed agents arrived and took his children out in the  
7 morning?

8 A. Yes.

9 Q. But he did not flee at that time; is that right?

10 A. Not at that time.

11 Q. And in writing, my colleague, Mr. McCarthy, indicated  
12 to you and to Mr. Gonzalez that Mr. Aziz wanted to  
13 self-surrender on September 9th; is that correct?

14 A. Correct.

15 Q. And he met with the U.S. police to turn himself in that  
16 same week?

17 A. Correct.

18 Q. And there were several more emails and letters,  
19 including on September 13th, to Judge Nowak and Judge Johnson  
20 indicated he wanted to self-surrender.

21 A. Yes.

22 Q. And I think you described this, at the first hearing in  
23 front of Judge Nowak, that you couldn't recall someone in 15  
24 years trying this hard to surrender; is that right?

25 A. That was -- yes.

1 Q. And at that time, you and Mr. Gonzalez had already met  
2 with Saad Aziz on August 31st and told him that he was facing  
3 charges; is that right?

4 A. Correct.

5 Q. So he understood by at least August 31st, if the armed  
6 agents didn't put him on notice on August 24th, that charges  
7 were coming.

8 A. Yes.

9 Q. But he stayed in the country.

10 A. He did.

11 Q. And Mr. Gonzalez again mentioned that there's a family  
12 member assisting a fugitive. And to be clear, from your  
13 prior testimony, that is Saad Aziz's brother's wife's father.

14 A. Correct.

15 Q. Who is currently in federal prison for that crime; is  
16 that right?

17 A. Yes.

18 Q. Just the last two points of clarification, agent. This  
19 is not a presumption case, is it?

20 A. No.

21 Q. And there's also no evidence that Saad Aziz had  
22 anything to do -- or, sorry, Saad Aziz has any direct  
23 involvement with the armed robberies that are alleged in this  
24 case.

25 A. Not direct, as in he didn't go in the store.

1 Q. Okay. He had no direct involvement with the armed  
2 robberies.

3 A. Correct. He didn't go in the store.

4 MR. MEYER: No further questions at this time, Your  
5 Honor.

6 THE COURT: All right. Agent, you can step down.

7 We're going to take a break for about ten minutes.

8 We'll be back about 3:15.

9 (Recess taken.)

10 THE COURT: All right. We just finished with Agent  
11 Doering.

12 Ms. Bloss, you can call the government's next  
13 witness.

14 MS. BLOSS: The government calls Mikaela Keene.

15 THE COURT: All right. Let's have -- what's the  
16 name again? Ms. Keene?

17 MS. BLOSS: Keene.

18 THE COURT: Okay. Let's have her sworn.

19 (Witness sworn.)

20 THE COURT: You can proceed when you're ready,  
21 Ms. Bloss.

22 MIKAELA KEENE,  
23 first having been duly sworn by the courtroom deputy,  
24 testifies under oath as follows:

25 \*\*\*

DIRECT EXAMINATION

BY MS. BLOSS:

Q. Why don't you go ahead and state your name for the record and spell it for us.

A. Okay. My name is Mikaela Keene. First name is M-I-K-A-E-L-A, last name, Keene, K-E-E-N-E.

Q. Where do you work?

A. At the FBI.

Q. What do you do there?

A. I'm a forensic accountant on the violent crimes squad in the Frisco office.

Q. How long have you worked with the FBI?

A. About ten months now.

Q. And during all those ten months, were you a forensic accountant for them?

A. Yes.

Q. Before that, where did you work?

A. At worked at Elliott Davis; it's an accounting firm.

Q. Doing the same sort of work? Forensic accounting?

A. I was an auditor.

Q. Okay. And in order to become an auditor and a forensic accountant, do you have some sort of training or experience, education?

A. Yes. So I have an undergrad in accounting and finance, with a minor in economics. I have a master's in accounting

1 with a concentration of forensic data analytics. I'm also a  
2 certified public accountant licensed with the State of  
3 Tennessee, as well as a certified fraud examiner.

4 Q. All right. So you're the person crunching the numbers  
5 on the financials; right?

6 A. Yes.

7 Q. You're not making the arrests; right?

8 A. No.

9 Q. And you're not the one going in and interviewing  
10 co-defendants; right?

11 A. Correct.

12 Q. All right. So did you do that in this case? Did you  
13 crunch the numbers here?

14 A. Yes.

15 Q. And I want to talk to you because you were specifically  
16 asked to look at the numbers with respect to transactions  
17 made by the Azizes as it related to the question of flight  
18 risk; right?

19 A. Correct.

20 Q. That's what you're prepared to come in here and talk  
21 about.

22 A. Correct, yes.

23 Q. All right. So then let's look at the representations  
24 that the Aziz brothers made to pretrial services and how it  
25 matches up to your forensic analysis of their records.

1 MS. BLOSS: Patrick, can we get -- can we get Saad  
2 Aziz's PSR, page 3 to page 4, finances table?

3 BY MR. BLOSS:

4 Q. All right. So it's here at the bottom. This is what  
5 Saad Aziz told pretrial services his assets looked like;  
6 right?

7 A. Yes.

8 THE COURT: Hold on for a second.

9 Go ahead, counsel. I think if the green light's  
10 on, your mic's on.

11 MR. WOHLFORD: Okay. Your Honor, I think that's  
12 Maaz Aziz. That's my misspelled name up there. I'm pretty  
13 sure this relates to Maaz.

14 MS. BLOSS: All right. Then let's get Saad's up  
15 there. So if we could blow up the finances section for Saad  
16 Aziz's PSR.

17 BY MR. BLOSS:

18 Q. Okay. So this is what Saad Aziz disclosed to pretrial  
19 services was his financial assets on September 23rd, 2021;  
20 right?

21 A. Yes.

22 Q. Do you see anything on there that suggests property?

23 A. No.

24 Q. Not domestic? Not foreign?

25 A. No.

1 Q. All right. Let's look at Maaz Aziz's financial  
2 disclosure to Pretrial on that same day.

3 MS. BLOSS: Patrick, could we pull that up? Page  
4 3, bottom of the page.

5 BY MS. BLOSS:

6 Q. All right. Do you see anything on here?

7 A. Beyond the residence, no.

8 Q. No. And when the list -- listing the residence, okay,  
9 they were listing that as an asset and then they were listing  
10 the mortgage; right?

11 A. Correct.

12 Q. You don't see any Frisco property on here; right?

13 A. No.

14 Q. You don't see any property in Pakistan?

15 A. No.

16 Q. Did your investigation find documents suggesting that  
17 the Aziz brothers had properties in Frisco?

18 A. Yes.

19 MS. BLOSS: All right. And do you have Exhibit 5  
20 in front of you, Your Honor? I believe we provided this to  
21 the Court at the last hearing. And at this time, the  
22 government would move to enter that into evidence.

23 THE COURT: Any objection?

24 MR. WOHLFORD: Not sure what Exhibit 5 is. Is  
25 it -- the exhibits, just for the record, Your Honor, we

1 received were sort of jumbled and it was unclear what was  
2 what.

3 So is it this full packet with these tabs on it?

4 MS. BLOSS: That's correct.

5 MR. WOHLFORD: Okay. That's 5.

6 Well, I guess we'll reassert our prior objection.

7 I understand Your Honor has already allowed those in, but  
8 just for the record, we would assert our prior objection.

9 THE COURT: Mr. Meyer?

10 MR. MEYER: We join in that objection, Your Honor.

11 THE COURT: All right. I'm going to overrule the  
12 objections and admit Government Exhibit 5.

13 (Government's Exhibit 5 was admitted.)

14 BY MS. BLOSS:

15 Q. All right. So let's look at the first page of tab 6  
16 where it's talking about the property summary.

17 MS. BLOSS: Mr. Madrigal, that's the property  
18 summary section.

19 BY MR. BLOSS:

20 Q. This is lot 6 in Frisco, Texas. Do you see where it  
21 says who owns this property?

22 A. Yes.

23 Q. Who owns it?

24 A. Saad Aziz, a married person, and Maaz Aziz, a married  
25 person.

1 Q. So they own this jointly.

2 A. Yes.

3 Q. And what date did it give for this property being in  
4 their ownership?

5 A. 12/31/2020.

6 Q. So clearly before PSR disclosure; right?

7 A. Yes.

8 Q. All right. If we can go to the net equity section,  
9 that's page 10 of the lot 6 tab. And it's on the screen  
10 here. If we could look at -- was this property valued?

11 A. Yes.

12 Q. Could you explain what this is?

13 A. Yes. So this takes the market value, so what it would  
14 be worth if you were to try to sell it, and it gives the  
15 value and then deducts any sort of liens or costs of that  
16 sale.

17 Q. Okay. So what's it valued at here?

18 A. It's valued at 1 million.

19 Q. So this would be just pure profit --

20 A. Yes.

21 Q. -- for the Aziz brothers.

22 A. Yes.

23 MS. BLOSS: All right. If we could scroll up,  
24 Mr. Madrigal.

25 BY MR. BLOSS:

1 Q. And when we look here, and it says there is a note  
2 here. It says *Per the BPO?*

3 A. Yes.

4 Q. What does that say?

5 A. It says, *Per the BPO, the subject property is currently*  
6 *listed for sale at \$1,999,999 for 66 days up to the time of*  
7 *reporting.*

8 Q. So the Aziz brothers were attempting to sell this  
9 property; right?

10 A. Yes.

11 Q. And they were attempting to sell this property at the  
12 time that they are making no disclosures to pretrial  
13 services?

14 A. Yes.

15 Q. Did you look at -- online and see what the status of  
16 this property was?

17 A. Yes.

18 Q. Okay. Can we turn to that portion? That's page 12 of  
19 the packet.

20 MS. BLOSS: But it's the realtor.com page 2 for  
21 you, Mr. Madrigal.

22 BY MR. BLOSS:

23 Q. Is this what you found online?

24 A. It is, yes.

25 Q. What does it list the current status of that property

1 at?

2 A. Um, it says *unavailable*.

3 Q. Okay. So it was taken off the market.

4 A. Yes.

5 Q. This is an asset that the Aziz brothers still possess.

6 A. Correct.

7 Q. Let's take a look at the second lot that wasn't  
8 disclosed. If we could turn to lot 7 tab in that packet.

9 And again, if we could look at the first page.

10 MS. BLOSS: And for you, Mr. Madrigal, the property  
11 summary report.

12 BY MR. BLOSS:

13 Q. Who owns this property?

14 A. Again Maaz Aziz, a married man, and Saad Aziz, a  
15 married man.

16 Q. Again joint ownership here; right?

17 And at what date did they own this property?

18 A. 12/31/2020.

19 Q. If we could go look at the net equity work sheet;  
20 that's page 10 of the packet.

21 What was the property valued at?

22 A. It was valued at \$1 million as well.

23 Q. Okay. And what is the total net equity for this  
24 property?

25 A. \$376,678.

1 Q. So that should be profit.

2 A. Yes.

3 Q. And again, this property, looking at the writing right  
4 there, that was listed for sale or for a little over \$1  
5 million; right?

6 A. Correct.

7 Q. Did you also look into the status of this property?

8 A. Yes.

9 Q. Okay. So you went online, you looked it up.

10 A. Yes.

11 Q. Okay. Let's look at what you found. If we could turn  
12 to page 13 of the packet.

13 MS. BLOSS: But it's the realtor.com page 3 for  
14 you, Mr. Madrigal.

15 BY MR. BLOSS:

16 Q. According to this listing, what happened to this  
17 property?

18 A. On October 8th of 2021, this property was sold.

19 Q. So this is after the time for reporting to pretrial  
20 services; right?

21 A. Um-hum.

22 Q. This is after the detention hearing in front of Judge  
23 Nowak; right?

24 A. Yes.

25 Q. This is after the defendants are aware that the

1 government's investigating them for fraudulent activities.

2 A. Yes.

3 Q. And realtor.com, you want those postings to be  
4 accurate; right?

5 A. Correct.

6 Q. Because people are determining whether or not to buy  
7 properties or look at properties. There's an economic  
8 proposition there.

9 A. Absolutely.

10 Q. All right. Let's take a look at some of the more --  
11 more of the representations of the Aziz brothers made to  
12 pretrial services.

13 So, again, can we pull up Saad Aziz's PSR and look  
14 at his financial table?

15 What is the estimated net worth that Saad Aziz --  
16 Saad Aziz reported to pretrial services?

17 A. \$403,476.

18 Q. Okay. So this is as of September 23rd, 2021.

19 A. Correct.

20 Q. Did you see any other documents where Saad Aziz had  
21 reported his net worth?

22 A. Yes.

23 Q. What were those documents?

24 A. It was a personal financial statement included in a  
25 credit application.

1 Q. So he's trying to get money when he's reporting his net  
2 worth there.

3 A. Correct.

4 Q. Okay. And was that vastly different from this report?

5 A. Yes.

6 Q. What did he report there?

7 A. His net worth as of 12/31/2019, was listed at  
8 \$1,246,694.

9 Q. Okay. And so that's --

10 MR. MEYER: Objection, Your Honor. I believe  
11 she's -- the witness is reading off of Exhibit 9 or 10, which  
12 are the exhibits we discussed earlier that were attached to  
13 the government's second supplemental briefing.

14 MS. BLOSS: Well, let's take that issue up, then.  
15 Your Honor, this is an exhibit that is attached to the second  
16 supplemental briefing. It is an exhibit that we received  
17 after the October 20th deadline.

18 But I want to step back and reframe what we're  
19 doing here in this hearing, if I could.

20 THE COURT: Go ahead.

21 MS. BLOSS: The only parties in this room who  
22 legally had any obligation to disclose financial assets to  
23 the courts were the Aziz brothers, Maaz and Saad Aziz, when  
24 they had to disclose their financials to pretrial services.

25 This information should have been disclosed on

1 September 23rd, 2021, and it wasn't. So the government had  
2 to conduct an additional investigation, had to subpoena  
3 records with respect to the Aziz brother's accounts. And  
4 those subpoena returns come back on a rolling basis. Some  
5 had been asked for previous, prior to the hearing, some had  
6 been asked for -- I believe with that information returned.  
7 And so as the government's receiving this information, it's  
8 reporting.

9 But at no time was the government under any legal  
10 obligation to disclose those records to the Aziz brothers  
11 when they're making their report to pretrial services. That  
12 was a test, and it wasn't open book. The Aziz brothers don't  
13 get the opportunity to look at the government's files when  
14 it's determined whether it was going to have candor with the  
15 Court.

16 And so if opposing counsels' upset about being  
17 ambushed, well, then they have no one further to look to than  
18 their own clients, who know what their business records are,  
19 who know what information is in their financial data. There  
20 is no ambush or surprise for the Aziz brothers.

21 If they decided not to communicate that to their  
22 counsel, just like they decided not to communicate it to  
23 pretrial services, Judge Nowak, or this Court, then that was  
24 what they were entitled to do, but it in no way prevents the  
25 government from fact-checking their disclosures.

1           THE COURT: All right. I'll hear from Mr. Wohlford  
2 and Mr. Meyer.

3           MR. WOHLFORD: Yeah. If I may, Your Honor, I would  
4 just make a couple of points.

5           THE COURTROOM DEPUTY: Can you hold that just a  
6 little farther from your mouth.

7           MR. WOHLFORD: Sorry. That is my recurring  
8 problem, apparently. Just a couple of quick points. You  
9 know, there was, you know, a passionate statement that, well,  
10 only the Aziz brothers know what's, you know, what's in their  
11 financial documents; some suggestion that -- and there has  
12 been in briefs, too -- that the Aziz brothers had some  
13 obligation to essentially just waive their Fifth Amendment  
14 rights and come in and testify about it -- all sorts of  
15 things -- and provide the government all sorts of documents,  
16 notwithstanding that they are subject to a money laundering  
17 charge in this case.

18           So look, the -- you know, I understand the argument  
19 that they're making. The fact of the matter is, with respect  
20 to these documents here, the objection that we have to  
21 Exhibits 9 through 14 are that Your Honor entered an order  
22 and the order said they needed to submit this stuff by  
23 Wednesday.

24           They didn't ask for leave -- if this was in  
25 evidence that they obtained after Wednesday, they didn't

1 request leave from Your Honor to submit something after Your  
2 Honor's order. They just went ahead and filed it. And they  
3 filed it and they didn't serve it on us, and they didn't  
4 provide it to us until yesterday, the day before the hearing.  
5 And I wasn't even able to access it until after 5:00.

6 So, yes, this is an ambush and an attempt to try  
7 this detention by ambush. And, you know, not to mention that  
8 we're, you know, I presume, about to see documents that we  
9 were provided this morning right before the hearing.

10 So I think, Your Honor, I made the record of our  
11 objection previously -- I won't do it again other than to  
12 just reiterate, when an exhibit comes up, and just say, I  
13 reiterate my previous objection. But that's our position,  
14 Your Honor.

15 THE COURT: All right. I understand your argument,  
16 Mr. Wohlford.

17 Mr. Meyer, did you want to add anything?

18 MR. MEYER: A desperate need for the microphone to  
19 work for me, Your Honor.

20 Apart from that, I just wanted to join in  
21 Mr. Wohlford's objection and point out that the indication  
22 that what the government believes is a lack of disclosure to  
23 pretrial services, the document is being used -- and we'll  
24 get into this more later -- the document is being used as  
25 financial status as of 12/31/19, which has no bearing on the

1 financial status as of 8/23/2021.

2 THE COURT: All right. Thank you, Mr. Meyer.

3 So I'm going to overrule the objections and deny  
4 the motion to strike. I'm going to allow the exhibits to be  
5 used.

6 My thought on this for defendants' counsel is going  
7 to be that you'll have the opportunity to cross-examine  
8 Ms. Keene. But one of the things I'll do before we close out  
9 today is we'll probably make some provision for if the  
10 defendants' counsel think they need more time, and this is  
11 going to be up to you to ask that we continue the hearing and  
12 bring back a witness because you need time to consult with  
13 your clients or look at the records, and we need to bring the  
14 witness back so that you have time before you have completed  
15 any additional cross-examination you may want to do. That's  
16 what I'm inclined to do here.

17 I think the Court needs to be able to consider the  
18 records. At the same time, if there is an issue with the  
19 defendants' counsel needing more time to review them and  
20 consult their clients to complete the cross-examination you  
21 need to do, I want to provide you time to do that. So we  
22 will cover that today.

23 But, Ms. Bloss, you can proceed. And the Court's  
24 going to consider this evidence.

25 \*\*\*

1 BY MS. BLOSS:

2 Q. All right. So backing up here, we're looking at what  
3 Saad Aziz disclosed to pretrial services as his estimated net  
4 worth, which is a little over \$403,000; right?

5 A. Correct.

6 Q. Okay. Let's take a look at the document that he  
7 provided disclosing his net worth when he was looking to make  
8 money.

9 MS. BLOSS: Can we please have -- and, Your Honor,  
10 we'll offer this as Government's Exhibit 8.

11 THE COURT: Is this Government's Exhibit 8?

12 All right. Defendants' counsel, I assume you have  
13 the same objections. You can just say that we have the same  
14 objections that have been made, if you would like.

15 MR. WOHLFORD: Was that the -- it looked like there  
16 was an 11 up at the top corner. Was that what was produced  
17 to us as Exhibit 11?

18 MS. BLOSS: Yes. So it's attached -- the  
19 attachments, as to the exhibits with respect to the motions,  
20 are a bit different than what's been presented in court; it's  
21 out of order. So I'm trying to keep it --

22 THE COURT: Well, do they have a paper copy in  
23 front of them, you know, that's marked as Government's  
24 Exhibit 8? Because we'll need that for our record for this  
25 hearing anyway.

1 MS. BLOSS: They should have a copy of it because  
2 it was filed, but I don't know that it's marked Exhibit 8.

3 THE COURT: I don't know that I have a copy marked  
4 Exhibit 8.

5 MR. WOHLFORD: Yeah. I think what we have here  
6 Your Honor, is again, you know, we don't have a copy because  
7 it was filed, we have a copy because they provided it to us  
8 yesterday. And what they provided to us was a PDF labeled  
9 "Exhibit 11," and I believe that's the document that she's  
10 now wanting to offer as Exhibit 8. We have the same  
11 objection, Your Honor.

12 THE COURT: Mr. Meyer?

13 MR. MEYER: Join in that objection as well, Your  
14 Honor. And if opposing counsel can just reference whatever  
15 exhibit it was attached to the second supplemental briefing,  
16 I think that ought to speed it up and help us recognize it.

17 THE COURT: All right. Ms. Bloss, you'll probably  
18 only have to do this once, but what you may want to do is  
19 say, This is Government's Exhibit 8 for this hearing, it was  
20 also Government's Exhibit, I hear, 11, with regard to the  
21 government's second supplemental filing. You may just want  
22 to reference it that way the first time.

23 If you want to give me a paper copy, I'll take it.

24 MS. BLOSS: I have paper copies, Your Honor. I'm  
25 happy -- may I approach?

1 THE COURT: Yes.

2 (Provided to the Court.)

3 (Government's Exhibit 8 was admitted.)

4 THE COURT: All right. So you can proceed with  
5 what's been marked as Government's Exhibit 8 for this  
6 hearing.

7 MS. BLOSS: Could we publish?

8 THE COURT: Yes.

9 MS. BLOSS: All right. Let's zoom in on the lower  
10 portion of this document.

11 BY MR. BLOSS:

12 Q. So we're looking at a statement date of -- what is that  
13 date here on the second column?

14 A. 12/31/2019.

15 Q. And it's the same assessment for the same time a year  
16 prior; right?

17 A. Correct.

18 Q. Okay. So in 20- -- well, let's go back.

19 What is personal net worth?

20 A. So personal net worth would be all of the assets that  
21 an individual owns, less any sort of liens or liabilities  
22 against those assets.

23 Q. So then what does less of half of jointly held assets  
24 mean?

25 A. So in this case, they were evaluating Duua Aziz and so

1 they subtracted out the commonly held property in the  
2 marriage situation.

3 Q. Okay. So this is excluding Saad Aziz's wife's portion  
4 of the assets.

5 A. Correct.

6 Q. So then total net worth, that represents just Saad  
7 Aziz's net worth?

8 A. Correct.

9 Q. What is the next line down?

10 A. The total liabilities --

11 Q. Correct.

12 A. -- net worth? Do you want the number?

13 Q. Well, what does that mean? What does that stand for?

14 A. So that is a summation of the assets and the  
15 liabilities -- oh, excuse me, the net worth and the  
16 liabilities, so kind of your basic accounting equation where  
17 assets equal liabilities plus stockholders equity, and so  
18 just showing that this balance sheet does balance.

19 Q. Okay. So Saad Aziz's total net worth, according to  
20 this document, in 2018 is a little over 1.2 million; right?

21 A. Correct.

22 Q. And then the total liabilities net worth is 1.7 or is  
23 1.7 million.

24 A. Correct.

25 Q. Okay. Then what is the adjusted gross income value?

1 A. The adjusted gross income is the amount that would show  
2 up on your tax returns, that would be your taxable income.  
3 And so that, in the year of 2019, was \$749,799.

4 Q. In 2018, it was what?

5 A. 571,232.

6 Q. Okay. So we're seeing significant growth here; right?

7 A. Correct.

8 Q. And adjusted gross income, that's essentially pure  
9 profit for an individual; right?

10 A. Yes.

11 Q. Pure profit for Saad Aziz; right?

12 A. Yes.

13 Q. Doesn't even include his wife.

14 A. Correct.

15 Q. What are the personal net worth numbers for 2019?

16 A. The -- I'm sorry, can you repeat that?

17 Q. What was his personal net worth reported in 2019?

18 A. 1,548,694.

19 Q. Okay. And his total net worth for that year?

20 A. 1,246,694.

21 Q. Total liabilities - net worth?

22 A. 1,765,000.

23 Q. Okay. And then his adjusted gross income, his pure  
24 profit, for 2019 is what?

25 A. 749,799.

1 Q. Okay. So that's -- doing the math, that's roughly a  
2 \$178,000 growth in one year?

3 A. Correct.

4 Q. Is that substantial, in your experience?

5 A. Yes.

6 Q. In your expert opinion, do you think that this number  
7 is lower for 2020 or 2021?

8 A. No.

9 Q. Why?

10 A. Because the growth that is sustained between year over  
11 year, you would expect to see that growth continue or at  
12 least stay the same.

13 Q. And had you seen any documents where Saad Aziz was  
14 trying to secure money where he recorded an increase in  
15 revenue?

16 A. Yes.

17 Q. What were those documents?

18 A. Also part of the credit application with Regions Bank.

19 Q. Okay. So there is a credit application with Regions  
20 Bank, you just said.

21 A. Yes.

22 Q. What is that?

23 A. That is where they applied to get money from Regions.

24 Q. "They" being who?

25 A. Saad or SCS Supply Chain.

1 Q. For Saad Aziz and Maaz Aziz?

2 A. Yes, correct.

3 Q. And is Regions a federally insured bank?

4 A. Yes.

5 Q. Did you subpoena Regions for this information?

6 A. Yes.

7 Q. And did they respond?

8 A. Yes.

9 Q. Was that on October 21st, 2021?

10 A. Yes.

11 Q. All right. And did those subpoena terms include a  
12 credit analysis performed by Regions Bank?

13 A. Yes.

14 MS. BLOSS: All right. So if we could look at that  
15 document, the 8/31/2020 Credit Regions Administration Form,  
16 which I believe is Exhibit 9 to the supplemental filing and  
17 will be offered here as Exhibit 9.

18 MR. WOHLFORD: Same objection, Your Honor.

19 MR. MEYER: Same, Your Honor.

20 THE COURT: All right. Those objections will be  
21 overruled and we will admit -- are you offering it as Exhibit  
22 9 for this hearing?

23 MS. BLOSS: Correct, Your Honor.

24 THE COURT: All right. So we'll have that admitted  
25 as the Government's Exhibit 9 for this detention hearing.

1 (Government's Exhibit 9 was admitted.)

2 MS. BLOSS: And does Your Honor want a hard copy of  
3 that?

4 THE COURT: I'm pulling it up. I think I can pull  
5 it -- I mean, we'll wind up needing a copy ultimately for the  
6 record.

7 MS. BLOSS: Okay.

8 All right. Mr. Madrigal, can we pull up Exhibit 9?

9 BY MS. BLOSS:

10 Q. Okay. So this is a Credit Administration Form. Have  
11 you seen these before?

12 A. Yes.

13 Q. And based on your experience, are these credit  
14 performances or reports generated based on statements made by  
15 the person trying to secure the line of credit?

16 A. Yes.

17 Q. So the bank is relying on that person's honest  
18 representation of their financial assets in the situation.

19 A. Yes.

20 Q. Okay. Well, let's look at what Saad and Maaz Aziz told  
21 the bank when they wanted to secure money. Can we look at  
22 page 3 of Exhibit 9?

23 Okay. So here it says requested amount. What is  
24 that?

25 A. That is the amount of the loan that they are trying to

1 secure from --

2 Q. And what is that amount?

3 A. 2.4 million.

4 Q. Okay. So they're making these statements to secure  
5 that amount of money.

6 A. Correct.

7 Q. If we can go and look down where it talks about  
8 COVID-19 impact.

9 All right. It says here, Due to the nature of the  
10 business supporting products for people to work from home,  
11 the company is designated by the City of Dallas as an  
12 essential business and is allowed to operate during the  
13 COVID-19 pandemic.

14 Do you see that?

15 A. Yes.

16 Q. So during a national pandemic, they represented their  
17 business was legitimate to the City of Dallas.

18 A. Correct.

19 Q. Then what does that second bullet point state?

20 A. It says, Budget for 2020 submitted by the borrower  
21 indicate stable operations with 42 million revenues,  
22 estimated EBITDA of 185,000.

23 Q. Okay. So here, this is going back to what you had said  
24 earlier about what you would expect his financials to look  
25 like. Here, what are they saying about their revenues?

1 A. That it's stable.

2 Q. If we can go down to page 5, look at the conditions of  
3 approval.

4 THE COURT: I have a quick question, looking at  
5 that document. Is that the EBITDA number? Did you say  
6 185,000 was the EBITDA?

7 THE WITNESS: Yes, sir.

8 THE COURT: Thank you. Go ahead.

9 BY MR. BLOSS:

10 Q. Okay. Let's look at the conditions of approvals on  
11 page 5. And let's look at number 1. Okay.

12 You were here when Mr. Agent Doering was  
13 testifying?

14 A. Yes.

15 Q. You were here when he was cross-examined; right?

16 A. Yes.

17 Q. And you recall a lot of questioning around whether or  
18 not there was foreign money, foreign accounts, foreign  
19 assets.

20 A. Yes.

21 Q. And they kept on saying that Mr. -- Agent Doering had  
22 no proof of those sorts of things; right?

23 A. Correct.

24 Q. What does bullet point 1 say here?

25 A. Foreign AR, so accounts receivable, required to have

1 acceptable credit insurance to be included as available in  
2 the BB, which is borrowing base. Regions Global Trade to  
3 review Euhler policy and regular BB submissions.

4 Q. What does that mean to you?

5 A. That there is substantial foreign accounts receivables,  
6 so money that they are owed, held overseas that Regions wants  
7 insurance on, to be able to feel confident in issuing this  
8 loan.

9 Q. So this was money they had yet to collect in 2020.

10 A. Correct.

11 Q. And it was so substantial that a bank required it to be  
12 insured in order to grant a loan.

13 A. Correct.

14 Q. All right. Let's look at number 4. Can you tell the  
15 Court what that says?

16 A. The borrower sells inventory to related companies that  
17 are owned by the guarantor's wife for its online and retail  
18 businesses. The results of these entities are not included  
19 in the operating results of SCS; however, due to the  
20 intercompany transaction, the owner's guarantee will be  
21 required to be joint with his wife, Duua Aziz, and update  
22 joint PFS, or personal financial statement, will be reviewed  
23 prior to closing.

24 Q. Who is Saad Aziz's wife?

25 A. Duua Aziz.

1 Q. And are you aware that Ms. Duua Aziz was offered as a  
2 third-party custodian in front of Judge Nowak?

3 A. Yes.

4 Q. All right. And you're aware that she was  
5 cross-examined by Mr. Gonzalez as to her knowledge of this  
6 company; right?

7 A. Yes.

8 MS. BLOSS: Can we take a look at that,  
9 Mr. Madrigal? Can we pull up the September 27th transcript  
10 at page 2 of 7, line 20. Let's look at what she had to say.

11 BY MR. BLOSS:

12 Q. Starting with line 20, Mr. Gonzalez asks: *Okay. Is it*  
13 *safe to say that you're not aware of your husband's*  
14 *activities; correct? What he's doing at the warehouse?*

15 What does she respond?

16 A. *I mean, I do. I mean --*

17 Q. He asks, *Do you work at the warehouse? Do you work in*  
18 *the business?*

19 If we could go to the next page.

20 Okay. Line 1, what does she say?

21 A. *She says, No, but I know what kind of business he does.*

22 Q. Okay.

23 MR. MEYER: Your Honor, we would object to her  
24 reading another witness's testimony into the record. This  
25 transcript is already before the Court as a docketed number.

1 The document stands for itself.

2 THE COURT: All right. I'll overrule that  
3 objection.

4 You can continue.

5 BY MS. BLOSS:

6 Q. Okay. Then she says *It's an electronics business.*

7 Mr. Gonzalez asks, *So he sells consumer goods;*  
8 *right?*

9 She says *Yes.*

10 MS. BLOSS: All right. Let's look at page 209,  
11 starting with line 9. Well, actually, let's back up to line  
12 6 -- no, 9, 9.

13 BY MR. BLOSS:

14 Q. Ernest Gonzalez asks, *Okay. Now do you know of any of*  
15 *the individuals that he does business transactions with?*

16 What is her response?

17 A. No.

18 Q. Who was he transacting business with in 2000 -- in  
19 2020, according to the loan documents he submitted to a bank  
20 to secure \$2.4 million?

21 A. Her businesses.

22 Q. Let's go back to page 5 of Exhibit 9 and look back at  
23 those conditions of approval. Let's look at condition number  
24 5. It says, Key man life insurance on Saad Aziz, minimum of  
25 \$1 million.

1                   What is key man life insurance?

2       A.       A key man life insurance is a policy that is often put  
3       in place for loan situations where if a individual is taken  
4       out of the business, it could be detrimental to the business.

5       Q.       Okay. So Saad Aziz was so critical to the operations  
6       that Regions required life insurance on him; right?

7       A.       Correct.

8       Q.       Okay. Let's stick a pin in that. Let's go to page 12.  
9       And let's look at this summary of top customers based on  
10      revenue.

11               Have you taken a look at some of these customers?

12      A.       Yes.

13      Q.       All right. Let's start with Super Nova Phones Trading.  
14      Do you see that it had 1.8 million, almost 2 million, in  
15      sales there; right?

16      A.       Yes.

17      Q.       Where is that company?

18      A.       That is located in Dubai.

19      Q.       All right. What about Ontel Trading FZE, 617,000 in  
20      sales? Where is that company?

21      A.       Also located in Dubai.

22      Q.       And Imperial Electronics LTD, \$446,117, where is that  
23      company?

24      A.       I believe also in Dubai.

25      Q.       Okay. Now, this isn't the first iteration of Regions'

1 evaluation. This isn't the only iteration of Regions'  
2 evaluations of the Azizes and SCS; right?

3 A. Correct.

4 Q. Is there a second document that does the same thing  
5 with respect to this loan?

6 A. Yes.

7 MS. BLOSS: Okay. Your Honor, we offer what has  
8 been -- what was attached as Exhibit 10 to the supplemental  
9 briefing, and we are offering, for purposes of this  
10 exhibit -- hearing, as Exhibit 10, the November 17th, 2020,  
11 evaluation into evidence.

12 MR. WOHLFORD: Same objection, Your Honor.

13 THE COURT: Thank you, Mr. Wohlford.

14 Mr. Meyer.

15 MR. MEYER: Same objection, Your Honor.

16 THE COURT: All right. Thank you, counsel. The  
17 objections are overruled. The Exhibit 10 for this hearing is  
18 admitted.

19 (Government's Exhibit 10 was admitted.)

20 MS. BLOSS: Okay. Can I --

21 THE COURT: You may proceed.

22 MS. BLOSS: Can we publish?

23 THE COURT: Yes.

24 BY MS. BLOSS:

25 Q. Okay. So this is in November 17th, 2020; right?

1 A. Correct.

2 Q. Or about three months out from the first evaluation?

3 Okay. Let's look at page 3. Let's look at what's  
4 been updated. If you would look at Executive Summary, and  
5 right there it says, This memo documents approval to increase  
6 the RLOC approved.

7 What does that mean to you?

8 A. That they have applied for and been approved for an  
9 increase in that revolving line of credit.

10 Q. So three months later, they're getting even more money?

11 A. Correct.

12 Q. All right. And number 1, what does that say?

13 A. Increase RLOC, or revolving line of credit, from 2  
14 million to 3.5 million and increase the p-card to 500,000.

15 Q. What does that mean?

16 A. That they were able to secure almost 2 million more --  
17 or 2 million more in funding from Regions.

18 Q. And would, in your training and experience, a bank  
19 increase a line of credit to a business believed to be  
20 failing?

21 A. No.

22 Q. Would it increase a line of credit to a business that  
23 was performing more poorly in 2020 than it was in 2019 or  
24 2018?

25 A. No.

1 Q. All right. Let's look at number 2. *Remove requirement*  
2 *for owner to provide the bank with key man life insurance of*  
3 *1 million.*

4 What does that mean?

5 A. The bank, for whatever reason, was not able to I guess  
6 be satisfied with the key man life insurance, and so they  
7 removed that requirement.

8 Q. Okay. Well, let's look at what it says about that  
9 requirement in the conclusion section, if we could -- first  
10 off, let's look at the first line. It says, *Continued strong*  
11 *performance and working capital position supports the*  
12 *requested increase. Right?*

13 A. Yes.

14 Q. So you're not just blowing smoke. This is what the  
15 bank actually thought: This is a good business.

16 A. Correct.

17 Q. Okay. Let's look at the third paragraph regarding the  
18 inability to provide key man life insurance. Can you finish  
19 reading that please?

20 A. *Regions has visited further with the borrower regarding*  
21 *key management and succession planning. While SCS is*  
22 *relatively small, they have management structure in place and*  
23 *plans in place to ensure continued operations.*

24 Q. Okay. So Saad Aziz was not able to secure key man life  
25 insurance; right?

1 A. Correct.

2 Q. Have you looked at his PSR?

3 A. Yes.

4 Q. Is he a relatively young man?

5 A. Yes.

6 Q. Is he in good health?

7 A. Yes.

8 Q. Can't get life insurance.

9 A. No.

10 Q. So who does SCS propose as an alternative should he  
11 die?

12 A. Maaz Aziz.

13 Q. And where is that on this document?

14 A. In the paragraph right below that.

15 Q. So if you could read that to the Court.

16 A. *Maaz Aziz is the brother of Saad and has been with the*  
17 *company since founding. He heads the sales department and is*  
18 *key to the rising volumes.*

19 Q. All right. So Maaz Aziz, and then later the chief  
20 operations manager, is also suggested as having a heavy role  
21 within the business; right?

22 A. Correct.

23 Q. So this isn't Saad Aziz leading SCS by himself; right?

24 A. Right.

25 Q. When they're asking for money, millions of dollars, to

1 a bank, Maaz Aziz is right there with Saad Aziz running SCS.

2 A. Correct.

3 MS. BLOSS: Let's go to page 5. If you could zoom  
4 in on financial performance. I want to focus on a very  
5 specific line called "Net Operating Profit." If you could  
6 highlight that, Mr. Madrigal.

7 BY MR. BLOSS:

8 Q. What is net operating profit?

9 A. So that is your revenue less operating expenses.

10 Q. Okay. So this is pure profit; right?

11 A. Yes.

12 Q. And this is the money that's being generated on the  
13 items that you're selling; right?

14 A. Correct.

15 Q. This doesn't include an evaluation of the assets, the  
16 hard assets, sitting in a warehouse; right?

17 A. Correct.

18 Q. It doesn't include an evaluation of all those machines  
19 that we located, that fixed phones or counterfeited phones;  
20 right?

21 A. Right.

22 Q. This is just money in and money out.

23 A. Correct.

24 Q. What -- for 9/30/2020, Actual 9-months, what was the  
25 reported net operating profit?

1 A. 1,742,000.

2 Q. And what does it mean for "Actual 9-months"? What does  
3 that mean?

4 A. That means the nine months preceding 9/30/2020. So  
5 from January 1, 2020 through 9/30/2020.

6 Q. So this isn't even a year.

7 A. Correct.

8 Q. Let's look at page 25.

9 Business overview. How is SCS's business described  
10 in that first sentence?

11 A. SCS supply -- excuse me -- *SCS is a supply chain*  
12 *solutions provider of consumer electronics.*

13 Q. What's the next sentence say?

14 A. *They recover, process and remarket a broad range of*  
15 *devices with customers in the U.S. and 5 other countries.*

16 Q. So it has customers in five other countries?

17 A. Yes.

18 Q. And we just went through a list of some of the  
19 businesses that it worked with; right?

20 A. Correct.

21 Q. So then let's look at page 31 of the same document.

22 What is an account receiving aging schedule -- a  
23 receivable aging schedule?

24 A. So this details outstanding balances from customers,  
25 and categorizes it based off of how far past due they've

1       been. So the balance column shows the total. 1 to 30 days  
2       is 1 to 30 days past due; 30 to 60; and then 60 to 90 days  
3       past due.

4       Q.       So this is money that SCS is owed in March 2020?

5       A.       Correct.

6       Q.       Okay. Cellntell Distribution, Inc., do you know where  
7       that company is?

8       A.       I believe Canada.

9       Q.       And then that last one, Euromedia Investment Group, do  
10       you know where that company is?

11       A.       I believe Spain.

12               MS. BLOSS: All right. If you could take that  
13       down, Mr. Madrigal.

14       BY MR. BLOSS:

15       Q.       Now, credit agreements, millions of dollars, those  
16       exchanges, they don't usually happen without contracts;  
17       right?

18       A.       Correct.

19       Q.       You have detailed accounts of when you can draw upon a  
20       line of credit.

21       A.       Yes.

22       Q.       And did you get that contract in the subpoena returns  
23       from Regions?

24       A.       Yes.

25       Q.       Was this, in fact, governed by terms and conditions

1 with respect to credit draws?

2 A. Yes.

3 MS. BLOSS: Okay. Can we --

4 Well, Your Honor, at this time, I offer into  
5 evidence what was Exhibit 12 of the supplemental briefing,  
6 what I'm offering as Exhibit 11 here, which is the credit  
7 agreement between Regions and SCS.

8 MR. WOHLFORD: Same objection, Your Honor.

9 MR. MEYER: Same objection, Your Honor.

10 THE COURT: All right. The objections are  
11 overruled, and the exhibit that will be Exhibit 11 for this  
12 hearing is admitted.

13 (Government's Exhibit 11 was admitted.)

14 MS. BLOSS: May I publish?

15 THE COURT: Yes.

16 BY MS. BLOSS:

17 Q. When you secured this credit agreement, did you talk to  
18 the general counsel of Regions Bank?

19 A. Yes.

20 Q. What did he tell you about the conditions around this  
21 loan?

22 A. That the loan would only have been offered to a company  
23 that was in viable and working condition.

24 Q. Okay. And he said that this document outlined the  
25 conditions on which SCS was allowed to withdraw on that loan;

1 right?

2 A. Correct.

3 MS. BLOSS: Okay. So let's look at page 22.

4 That's 18. Or, actually, you're right, I'm wrong. Let's  
5 back up.

6 Let's go to page 15, Mr. Madrigal. If we could go  
7 to 5.2 down at the bottom.

8 BY MR. BLOSS:

9 Q. Where it says extensions of credit, *The obligation of*  
10 *Lender to make any Advance, including the initial Advance, is*  
11 *subject to the following additional conditions precedent:*

12 Do you see that?

13 A. Yes.

14 Q. And do you see where it says -- well, let's go to the  
15 next page. Let's go to (c). One of those conditions is no  
16 material adverse event has occurred; right?

17 A. Yes.

18 MS. BLOSS: Can we go to page 7 where that term is  
19 defined? Page 7 of the document, Material Adverse Event at  
20 the bottom ...

21 BY MR. BLOSS.

22 Q. ... means any act, event, condition, or circumstance  
23 which could materially and adversely affect: (a) the  
24 operations, business, properties, liabilities, actual or  
25 contingent, or condition, financial or otherwise, or

1     *prospects of Borrower or Borrower and its Subsidiaries.*

2                     Do you see that?

3     A.     Yes.

4     Q.     So would the FBI shutting down your operation, would  
5     that be a material adverse event?

6     A.     Yes.

7                     MS. BLOSS: All right. If we could go to page 21,  
8     Section 6.1.

9     BY MR. BLOSS:

10    Q.     All right. These are the representations and  
11    warranties, right, that the parties entered into?

12    A.     Yes.

13    Q.     It says, *To induce Lender to enter into this Agreement*  
14    *... the Borrower represents and warrants to Lender ...*

15                     Do you see that?

16    A.     Yes.

17    Q.     Okay. And at 6.1(b) it says that it represents that it  
18    has all requisite power and authority to own its assets and  
19    carry on its business as now being proposed or to be  
20    conducted.

21                     Do you see that?

22    A.     Yes.

23                     MS. BLOSS: All right. And then if we could go to  
24    6.5.

25    BY MR. BLOSS:

1 Q. Here, it's warranting that there is no proceeding  
2 before or by any governmental authority or arbitrary pending  
3 or to the knowledge of borrower after reasonable  
4 investigation, threatened against or affecting borrower, or  
5 any of its subsidiaries.

6 And that's an investigation by government  
7 authority. Do you see that?

8 A. Yes.

9 Q. And based on your review of this document, based on  
10 your conversation with Regions' general counsel, every time  
11 that SCS draws down upon that line of credit, is it  
12 representing that this is true, that there's no adverse  
13 event?

14 A. Yes.

15 MS. BLOSS: Okay. If we could go to page 22 and  
16 look at J.

17 BY MR. BLOSS:

18 Q. Here, it says, *Notice of Material Adverse Event. As*  
19 *soon as possible and in any event within five days after the*  
20 *occurrence thereof, written notice of any event or*  
21 *circumstance that could result in a Material Adverse Event.*

22 That's what's expected; right?

23 A. Yes.

24 Q. When you spoke to Regions, had they received any  
25 written notice, any notice whatsoever, from SCS that its

1 operation was shut down?

2 A. No.

3 MS. BLOSS: If we go to page 29, 29 of the  
4 document. So you're on 25.

5 BY MR. BLOSS:

6 Q. Okay. If we can look at 10.1, it says, *Each of the*  
7 *following shall be deemed an "Event of Default."*

8 If we could look at (b), Borrower fails to provide  
9 lender timely any notice of default as required by Section  
10 7.1(g) of this agreement or breach to any provision of  
11 Section 8 or Section 9 of this Agreement.

12 And if you look at (l), it says, *Borrower, any of*  
13 *its Subsidiaries, or any other Obligated Party, or any of*  
14 *their Properties, revenues, or assets, shall become subject*  
15 *to an order of forfeiture, seizure, or divestiture, whether*  
16 *under RICO or otherwise ...*

17 Do you see that?

18 A. Yes.

19 Q. Okay. So those are all default events; right?

20 A. Correct.

21 Q. Of which SCS is supposed to report to Regions?

22 A. Yes.

23 Q. Let's look at what Saad Aziz told pretrial services  
24 about his business.

25 MS. BLOSS: Can we please have Saad Aziz's PSR on

1 page 3? Let's look at that first paragraph. No, sorry.  
2 Under Employed/Unemployed History; all right? My mistake.  
3 BY MR. BLOSS:

4 Q. Do you see where it says he closed the business on  
5 August 24th, 2021, the date of the law enforcement raid?

6 A. Yes.

7 Q. Based on your review of the financial records, do you  
8 believe that to be a true assertion?

9 A. No.

10 Q. Did you actually subpoena results and get returns for  
11 transactions made out of SCS accounts that post date that  
12 raid?

13 A. Yes.

14 MS. BLOSS: Your Honor, we have already enclosed  
15 that in Exhibit 5, but we have a demonstrable that we think  
16 it would be beneficial to walk the Court through with respect  
17 to those filings.

18 THE COURT: This demonstrative is premised on  
19 what's already in Government Exhibit 5? Is that what you're  
20 saying?

21 MS. BLOSS: So, yes. The exhibit is a color-coded  
22 version of the post 8/24 withdrawals. And then in addition  
23 to that, we've created a timeline of what was stated to the  
24 Court with respect to the withdrawals that were being made.

25 THE COURT: Go ahead, Mr. Wohlford.

1 MR. WOHLFORD: Yes, Your Honor. I would object to  
2 the use of the demonstrative. I don't think it's complete or  
3 accurate. I think they're talking about statements, first of  
4 all, to pretrial services, not the Court.

5 But this was also the demonstrative and the exhibit  
6 that was provided to us when we arrived at the courthouse  
7 today. So for all those reasons, we would object, Your  
8 Honor.

9 MR. MEYER: Join in that objection as well, Your  
10 Honor.

11 THE COURT: Can I see a copy of the demonstrative?

12 MS. BLOSS: Yes. May I approach?

13 THE COURT: Yes.

14 MS. BLOSS: May Mr. Madrigal approach?

15 (Provided to the Court.)

16 THE COURT: And as you've said, Ms. Bloss, this is  
17 information you're saying was presented in -- it is presented  
18 in Government's Exhibit 5.

19 MS. BLOSS: Correct, yes. It was also attached to  
20 the government's briefing, but we have color-coded it to aid  
21 the Court, and added statements with respect to like  
22 surrenders, raids, et cetera.

23 THE COURT: All right. I'll overrule the  
24 objections and allow its use as a demonstrative.

25 MS. BLOSS: Your Honor, may we --

1 THE COURT: You can proceed.

2 MS. BLOSS: -- set up the courtroom?

3 THE COURT: Yes.

4 MS. BLOSS: And, Your Honor, I think it would be  
5 helpful if Ms. Keene could step down and walk us through this  
6 demonstrative. Is that all right?

7 THE COURT: That's fine.

8 MS. BLOSS: All right, Ms. Keene.

9 THE COURT: Counsel, if one of you needs to move  
10 around, or both of you want to move around, so you can see.

11 MR. MEYER: Thank you, Your Honor.

12 THE COURT: And, Ms. Bloss, let defense counsel get  
13 set up so they can see what you're doing here.

14 All right. Ms. Bloss, I think you can proceed when  
15 you're ready and have a working microphone.

16 BY MR. BLOSS:

17 Q. All right. Let's walk through what we're looking at  
18 right here. Okay. These documents, this spreadsheet that's  
19 on the screen and the spreadsheet that's published before the  
20 Court, what is this?

21 A. So this details transactions that occurred from August  
22 24th, 2021, the date of the search warrant, through September  
23 17th, 2021.

24 Q. And where are these transactions -- where are you  
25 getting this data from?

1 A. Regions Bank.

2 Q. Okay. So these are the Regions Bank accounts that SCS  
3 has.

4 A. Correct.

5 Q. And where does SCS house all of its corporate accounts?

6 A. At Regions.

7 Q. Okay. Did you color code this?

8 A. Yes.

9 Q. Can you explain your color-coding detail to us?

10 A. Yes. So there's transfers within Regions Bank accounts  
11 to other business bank accounts -- excuse me, other SCS  
12 business bank accounts, as well as transfers to outside bank  
13 business accounts. These are color-coded in kind of a light  
14 yellow and a darker yellow.

15 Q. Okay. So when we're looking at light yellow and dark  
16 yellow transfers, those are transfers between Regions SCS  
17 accounts and out to SCS accounts held by other banking  
18 entities; right?

19 A. So the light yellow is Regions -- SCS accounts within  
20 Regions, so just transferring between corporate accounts at  
21 Regions.

22 Q. And this dark yellow?

23 A. Is transferring from Regions to outside business  
24 accounts.

25 Q. Okay. So were you here when Agent Doering was

1 cross-examined about whether we had any evidence that  
2 accounts were opened post 8/24?

3 A. Yes.

4 Q. All right. Do we have evidence that SCS accounts were  
5 opened post 8/24?

6 A. Yes.

7 Q. Why don't you explain that to the Court.

8 A. So from 8/24 on, there were transfers of 104,000 within  
9 their own bank accounts; and then 50 -- 154,000 was brought  
10 in; 134,000 of that from a Texas Brand Bank account in the  
11 name of "Aziz Holdings," as well as \$20,000 in a Texas Brand  
12 Bank account in the name of "Gizmobile."

13 They sent out 105,000 to that same Aziz Holdings  
14 account, and also another 2,000 to the Gizmobile account.

15 Q. And so we're just looking at post 8/24 transactions;  
16 right?

17 A. Correct.

18 Q. Post transactions when Saad Aziz said that the business  
19 was shut down; right?

20 A. Correct.

21 Q. And this, this first one, this account ending in 2268,  
22 is that the SCS expense account?

23 A. It is.

24 Q. How do you know that?

25 A. Because of the account numbers and the account

1 application documents that were provided by Regions.

2 Q. Okay. And that's all in Exhibit 5 that the government  
3 has provided.

4 A. I believe so, yes.

5 Q. Okay. So you're seeing transfers intercompany after  
6 8/24; correct? I see one on 8/24, 8/24, 8/25, 8/26, 8/27,  
7 8/30; right?

8 A. Correct.

9 Q. Are you seeing them after that infamous 8/31 meeting  
10 where the government told the Aziz brothers they were going  
11 to be indicted?

12 A. Yes.

13 Q. Okay. What dates are you seeing those transfers on?

14 A. Um, there is one on 8/31, as well as 9/1, as well as  
15 9/7, 9/8, 9/9, 9/14, and 9/15.

16 Q. So safe to say several accounts and transfers between  
17 SCS Regions accounts, SCS outside accounts, postdating all  
18 the notice that the Aziz brothers are getting --

19 A. Correct.

20 Q. -- right? I want to skip ahead a little bit since  
21 we've talked heavily about the Regions line of credit.

22 In looking at this, after the Aziz brothers  
23 represent their business as closed, do you see instances in  
24 which they are drawing down on the Regions Bank credit?

25 A. Yes.

1 Q. Where are those?

2 A. They're highlighted in this light green color,  
3 beginning on 8/24.

4 Q. All right. So every time the Court sees a light green  
5 color, that's a drawdown on the Regions credit account.

6 A. Correct.

7 Q. Okay. And over here we've kind of presented this in a  
8 different fashion; right?

9 A. Yes.

10 Q. At the bottom of this timeline, those are the drawdowns  
11 starting with number 6; right?

12 A. Yes.

13 Q. And then at the top of this timeline, these are the  
14 representations being made to the Court and pretrial  
15 services; right?

16 A. Yes.

17 Q. So on August 24th, SCS's warehouse, that's a search  
18 warrant; right?

19 A. Yes.

20 Q. That's the day that Saad Aziz says the warehouse is  
21 closed.

22 A. Correct.

23 Q. That same day, how much money did they draw against the  
24 Regions credit line?

25 A. \$49,471.

1 Q. And the next day, how much money?

2 A. 72,500.

3 Q. And the next day, how much money did they draw against  
4 the Regions credit line?

5 A. \$120,891.

6 Q. Did they stop drawing against the Regions credit line?

7 A. No.

8 Q. How long does your data go to?

9 A. September 17th.

10 Q. Okay. So we're seeing multiple draws down on that?

11 A. Yes.

12 Q. Despite the fact that the business is not an operating  
13 entity, apparently.

14 A. Correct.

15 Q. Did they pay any of that back?

16 A. Yes.

17 Q. And how do you denote that on your spreadsheet?

18 A. These red highlights.

19 Q. Did you total the amount taken between the time period  
20 of August 24th and September 17th respective to the amount  
21 paid back on that loan?

22 A. Yes.

23 Q. How much have they not paid back in that time period?

24 A. \$300,573.

25 Q. When you asked Regions what they thought about this,

1 what did they tell you?

2 A. They said it is fraudulent.

3 Q. All right. Let's go on and talk little bit more about  
4 how they're using these accounts.

5 You note some personal withdrawals. Could you  
6 explain those?

7 A. Yes. So there were 196,300 that were sent from Saad  
8 Aziz's account at Regions to the SCS Supply Chain account.

9 Q. Okay. So Saad Aziz is transferring his own personal  
10 finances into a corporate account?

11 A. Correct.

12 Q. You said that you worked in private practice.

13 A. Yes.

14 Q. How big were the companies that you worked for?

15 A. Substantial.

16 Q. And in your time there, is that a typical business  
17 practice?

18 A. No.

19 Q. Do owners of a company transport their assets into  
20 company bank accounts?

21 A. No.

22 Q. All right. What other instances did you see on these  
23 spreadsheets that demonstrated they were using this account  
24 as a personal piggy bank?

25 A. There were payments made to Katten and Muchin and Duane

1 Morris from the SCS Supply Chain bank account on 9/9/2021.

2 Q. All right. So these are their personal criminal  
3 lawyers; right?

4 A. Correct.

5 Q. The company has not been indicted.

6 A. Correct.

7 Q. The company has not been listed in the asset forfeiture  
8 section of our indictment; right?

9 A. Correct.

10 Q. So the company -- this is a payment for their personal  
11 criminal lawyers.

12 A. Yes.

13 Q. Out of the company account.

14 A. Correct.

15 Q. All right. Did you see any other transfers that gave  
16 you pause with respect to SCS?

17 A. There was a transfer to SCS Canada in the amount of  
18 \$165,000 on September 2nd, 2021.

19 Q. Okay. So they're transferring money to SCS Canada  
20 after the 8/24 search warrant and after the 8/31 meeting  
21 where we tell them they are going to be indicted.

22 A. Correct.

23 Q. All right. You've also got color-coding here for  
24 credit card payments, two different colors. Can you explain  
25 that to the Court?

1 A. Yes. So it may be kind of hard to tell, but the darker  
2 orange is personal credit card payments, so made in I believe  
3 it was Saad Aziz's name, totaling \$33,607.19, and then credit  
4 card payments for SCS credit cards in the amount of  
5 \$40,055.19.

6 Q. So despite the fact that this corporation has  
7 represented to pretrial services that it is not operating,  
8 they're paying down corporate expenses of \$40,000.

9 A. Correct.

10 Q. And they're paying down Saad Aziz's credit card in the  
11 tune of \$33,000.

12 A. Correct.

13 Q. Do you see any money transfers that occurred during  
14 this time period?

15 A. Yes.

16 Q. Explain those to the Court.

17 A. So there was monies sent to a company by the name of "S  
18 Noorani" -- I'm not sure if it's on -- in this gold color, on  
19 9/8, there's \$3,815 sent to S Noorani International.

20 Q. What is S Noorani, based on your research?

21 A. It is a money transfer service that specializes in  
22 sending money to Pakistan.

23 Q. Okay. So this is again after the search warrant, this  
24 is after the meeting with prosecutors, and it's after Saad  
25 Aziz writes his letter saying he wants to self-surrender;

1 right?

2 A. Correct.

3 Q. Do you see any other money transfers that occurred  
4 after the warrant?

5 A. Yes. The \$20,000 checks on 9/10 and on 9/3.

6 Q. Tell us about those.

7 A. Those are checks made payable to Gohar, Inc.

8 Q. And what is Gohar, Inc.?

9 A. It is also a money service business.

10 Q. Okay. So when a substantial amount of money is  
11 transferred through a money service business, is it easy to  
12 track?

13 A. No.

14 Q. Do we know where that money went?

15 A. No.

16 Q. Do you see any other checks that were cashed or made  
17 during -- since the shutdown of the operation?

18 A. Yes. There were two cash withdrawals, both on 9/7, one  
19 in the amount of \$19,450 and one in the amount of 13,000.

20 Q. Tell us about those.

21 A. So these are where they went into the bank and cashed  
22 checks and received a cash withdrawal from their bank  
23 account.

24 Q. So these certainly aren't automated payments; right?

25 A. No.

1 Q. These are manually drawn checks against the account.

2 A. Correct.

3 Q. All right. I want to talk about one more -- well,  
4 before I move on to that, is there anything else listed in  
5 your timeline color-coded?

6 A. I don't believe so.

7 Q. Okay. Let's talk about one specific transaction that  
8 was made on 9/2/2021, after the search warrant, after the  
9 meeting with the U.S. Attorney's office. I want to talk  
10 about U.S. Global Products. How much money did they transfer  
11 to that company?

12 A. \$101,085.30.

13 Q. Did the FBI look into U.S. Global Products?

14 A. Yes.

15 Q. And what did the FBI determine about this account?

16 A. That they used proxy accounts for SCS Global --

17 Q. Okay.

18 A. -- what we call proxy accounts for SCS Global.

19 Q. So U.S. Global houses proxy accounts for SCS?

20 A. Correct.

21 Q. What is a proxy account?

22 A. It's an account that is held in name by someone else  
23 but on -- for benefit of another company.

24 Q. Is it difficult to --

25 THE COURT: Well -- go ahead.

1 MR. WOHLFORD: If I may just briefly, Your Honor, I  
2 don't know if they plan to -- sorry. I don't know if they  
3 plan to offer this exhibit, but I believe the witness is  
4 testifying about a document that was provided to us at 11:24  
5 this morning, and so we would object to any testimony about  
6 that late-disclosed document, Your Honor.

7 THE COURT: Is that accurate, Ms. Bloss?

8 MS. BLOSS: I'm happy to offer it. Yes. Yes, it  
9 was received about 15 minutes before we provided it.

10 THE COURT: And is she testifying about that  
11 document?

12 MS. BLOSS: That is correct. That's the  
13 information from that document.

14 THE COURT: And that document hasn't been offered  
15 yet.

16 MS. BLOSS: Not yet, but I'm happy to offer it if  
17 the Court would like.

18 THE COURT: All right. Mr. Meyer.

19 MR. MEYER: Join in the objection, Your Honor.

20 THE COURT: All right. Why don't you offer --

21 MS. BLOSS: Okay.

22 THE COURT: -- the document.

23 MS. BLOSS: All right. Let me go grab it, then.

24 And, Your Honor I believe we're on Exhibit 12 or  
25 purposes of this hearing. Your Honor, we offer Exhibit 12

1 into evidence.

2 THE COURT: All right. And you were giving your  
3 response on the objections, Ms. Bloss?

4 Ms. Bloss, do you have anything to add? I think I  
5 have the objection from both of defendants' counsel.

6 MS. BLOSS: As to this?

7 THE COURT: Yes, as to this Exhibit 12.

8 MS. BLOSS: So this was provided to the FBI  
9 pursuant to a subpoena request. It was provided about 15  
10 minutes before we turned it over to opposing counsel, and it  
11 was -- it demonstrates this relationship with U.S. Global.

12 THE COURT: So this was received by your office --

13 MS. BLOSS: Today.

14 THE COURT: -- shortly before it was produced to  
15 defense counsel today.

16 MS. BLOSS: Correct. Roughly 15 to 30 minutes  
17 before.

18 THE COURT: Well, I'm going to overrule the  
19 objections. As I mentioned to defense counsel, we -- you  
20 know, as we get through this hearing, if you-all are going to  
21 need more time to come back, if we need to come back for more  
22 cross-examination on this, we'll do that.

23 But you can proceed, Ms. Bloss.

24 (Government's Exhibit 12 was admitted.)

25 MS. BLOSS: All right.

1 BY MR. BLOSS:

2 Q. What is Exhibit -- what is it, 11? 12?

3 THE COURT: It's 12.

4 BY MR. BLOSS:

5 Q. What is Exhibit 12?

6 A. This is an investigation from Prosperity Bank.

7 Q. So Prosperity noticed a red flag in this transaction  
8 and conducted its own investigation.

9 A. Correct.

10 Q. And then you subpoenaed that investigation.

11 A. Correct.

12 Q. So what we're holding here is the report detailing what  
13 Prosperity uncovered.

14 A. Yes.

15 Q. Who is the owner of U.S. Global Products?

16 A. Malik Muradally.

17 Q. And was he contacted by Prosperity?

18 A. Yes.

19 Q. What did he have to say to them about this account?

20 Did he state that this was a proxy account?

21 A. Yes.

22 Q. And did he state that in paragraph 3 of the account  
23 review section?

24 A. Can you point it out to me?

25 Q. Where it says, *Additionally, Mr. Muradally admitted*

1     *that SCS is indeed recruiting individuals and businesses to*  
2     *open proxy accounts for them so that they can continue to*  
3     *send their transactions through the various accounts to keep*  
4     *their operations afloat.*

5     A.     Yes.

6     Q.     So this is a means -- SCS had numerous bank accounts;  
7     right?

8     A.     Correct.

9     Q.     And they were getting shut down, according to this  
10    report; right?

11    A.     Correct.

12    Q.     So these proxy accounts, they're a way to avoid the  
13    reporting obligations that they had.

14    A.     Yes.

15    Q.     They're going to be a way to avoid having your account  
16    shut down because it's getting flagged for illegal activity.

17    A.     Correct.

18    Q.     And given the history that this is a proxy account for  
19    SCS, did SCS then transfer money into the account post  
20    becoming aware of our investigation?

21    A.     Yes.

22    Q.     To what amount?

23    A.     \$101,085.30.

24    Q.     Now, there has been a lot of talk about who does and  
25    does not have signatory authority over these accounts.

1 A. Correct.

2 Q. But based on your view of this evidence, is Maaz Aziz  
3 getting money out of the SCS accounts irrespective of whether  
4 he has signatory authority?

5 A. Yes.

6 Q. How do you know that?

7 A. On 8/24, and I believe on -- there is another date, but  
8 on 8/24 for sure, there was \$1,686 sent to a JP Morgan Chase  
9 account in the name of "Maaz Aziz."

10 Q. And this flips over. So if you're missing it, it might  
11 be on this side.

12 What about on 9/14?

13 A. Oh, yes. There are transfers to Gizmo Galaxy -- or,  
14 excuse me, Gizmobile, Inc., which is a company that Maaz Aziz  
15 has signatory authority on.

16 Q. Okay. You've been with the FBI for some time now;  
17 right?

18 A. Yes.

19 Q. In your opinion, does it take time to transfer money to  
20 various accounts without the FBI knowing?

21 A. Yes.

22 Q. So as the defendants are stating to the Court they want  
23 to turn themselves in and they have no intention to flee, as  
24 they're writing Judge Nowak that they don't want to be  
25 arrested and they want to turn themselves in, as they're

1 being interviewed by pretrial services, do you see them  
2 transferring money through these accounts?

3 A. Yes.

4 Q. And was that disclosed to pretrial services?

5 A. No.

6 MS. BLOSS: If you could have your seat. I have a  
7 few more questions for you.

8 BY MR. BLOSS:

9 Q. Ms. Keene, how many business accounts or accounts  
10 associated with the Aziz brothers is the FBI currently  
11 investigating?

12 A. Approximately 80.

13 Q. Have you gotten the returns on all of those?

14 A. No.

15 Q. Are you aware of how many proxy accounts might be out  
16 there?

17 A. No.

18 Q. Are you aware that there are proxy accounts out there?

19 A. Yes.

20 Q. And did your conclusion or your investigation just  
21 focus on a few of those accounts?

22 A. Yes.

23 Q. Who are the signators (ph) of those accounts?

24 A. Saad Aziz and Maaz Aziz.

25 Q. And that's in Exhibit 5; correct? I won't belabor that

1 point.

2 A. Yes.

3 Q. Based on your review of the documents, based on the  
4 proxy accounts, based on the money movements, do you have any  
5 confidence that the Aziz brothers would correctly and  
6 accurately and fully identify the accounts that are located  
7 within their possession?

8 A. No.

9 Q. So is there any assurance that opposing counsel gave in  
10 its briefing that the government could open an account and  
11 hold the Aziz money, does that give you any assurances that  
12 the Aziz brothers are not a flight risk?

13 A. No.

14 THE COURT: Mr. Meyer, did you have something you  
15 wanted to say before ...

16 MR. MEYER: Your Honor, just to clarify the record.  
17 The demonstratives that counsel was just walking through, are  
18 the three spreadsheet demonstratives and the timeline all  
19 part of the same exhibit, or are they several exhibits?

20 MS. BLOSS: So the --

21 THE COURT: My understanding is that wasn't marked  
22 as an exhibit yet.

23 MS. BLOSS: Correct.

24 THE COURT: They're demonstrative.

25 MS. BLOSS: It's just a demonstrative. If the

1 Court wants it in the record, we can mark it as Exhibit 13.

2 THE COURT: Yeah. I think it would be helpful,  
3 actually, to mark it as Exhibit 13.

4 MS. BLOSS: Okay. Then we'll mark that as  
5 Government's Exhibit 13 and offer it into evidence.

6 THE COURT: I'm going to assume the same objections  
7 on behalf of defendants' counsel --

8 MR. WOHLFORD: Yes, Your Honor.

9 THE COURT: -- am I correct?

10 MR. MEYER: That's correct, your Honor.

11 THE COURT: All right. I'm going to overrule those  
12 objections, and Government's Exhibit 13, as a demonstrative,  
13 is admitted.

14 (Government's Exhibit 13 was admitted.)

15 MS. BLOSS: My co-counsel notes that I have omitted  
16 some things, and I just want to touch on those briefly.

17 If we could turn to Exhibit 9, and if we could go  
18 to page 29 of 59.

19 You know what? I'm just going to do it on the doc  
20 cam.

21 BY MR. BLOSS:

22 Q. Can you see that, Ms. Keene?

23 A. It's blurry.

24 Q. A little blurry.

25 (Pause in the proceedings.)

1 BY MR. BLOSS:

2 Q. Okay. Down here, you see that the borrower sells  
3 inventory to related companies that are owned by the  
4 guarantor's wife, Duua Aziz? Do you see that?

5 A. Yes.

6 Q. We touched on that briefly. But does it list the  
7 companies that she owns?

8 A. Yes.

9 Q. What are those companies?

10 A. Gizmo Galaxy, LLC; Gizmo Parts; Gizmobile, Inc.; and  
11 Gizmobile Retail and Online.

12 Q. Okay. And that's why on page 59 of that same document  
13 they include this requirement right there.

14 A. Correct.

15 Q. What is that requirement?

16 A. That -- do you want me to read that?

17 Q. Well, is it that the wife has to join in guaranteeing  
18 this loan?

19 A. Yes.

20 Q. Did she say anything about that when she was asked  
21 about her relationship with the business?

22 A. No.

23 Q. It also includes this additional requirement right  
24 here, or at least it discusses the collateral that was  
25 pledged for this loan. Do you see that? It says, The

1 prospective borrower's present inventory system --

2 MS. BLOSS: Well, okay, that's better. Thank you,  
3 Patrick.

4 BY MR. BLOSS:

5 Q. *The prospective borrower's present inventory system*  
6 *does not allow for the generation of sales/usage reports to*  
7 *determine the level of slow-moving or excess inventory.*

8 A. Yes.

9 Q. The examiner, in performing tests of inventory costing,  
10 identified one item valued at 189 million, the Yeti Ramblers;  
11 right?

12 A. Yes. I do believe that's 189,000.

13 Q. Oh. What does the 189M mean?

14 A. So if it's millions, there's two Ms.

15 Q. Oh, you're right. You're right. Thank you for  
16 correcting my mathematical errors.

17 Did they pledge this as collateral for the loan?

18 A. Yes.

19 Q. And were you here when Agent Doering testified that  
20 Yeti Ramblers were stolen?

21 A. Yes.

22 Q. And that was the SCS product?

23 A. Yes.

24 MS. BLOSS: Pass the witness.

25 THE COURT: All right. Why don't we take about a

1 ten-minute break before we have defense counsel do their  
2 cross-examination.

3 (Recess taken.)

4 THE COURT: You may be seated.

5 All right. I think when we left off, we were going  
6 to have Mr. Wohlford do his cross-examination of Ms. Keene.  
7 So you can proceed when you're ready, Mr. Wohlford.

8 MR. WOHLFORD: Thank you, Your Honor. I'll try and  
9 stay back from the microphone as much as I can.

10 CROSS-EXAMINATION

11 BY MR. WOHLFORD:

12 Q. Ms. Keene, good afternoon.

13 A. Good afternoon.

14 Q. I'm going to try and get through this as quickly as I  
15 can. So I'm going to try and hit the topics and, hopefully,  
16 we can get this done as quickly as possible.

17 First, Ms. Bloss was asking you -- the first thing  
18 you testified about was that there was no disclosure of  
19 Frisco properties to pretrial services.

20 Do you remember that testimony?

21 A. Yes.

22 Q. Fact of the matter is you were not present at the  
23 interview with Maaz Aziz with pretrial services; correct?

24 A. Correct.

25 Q. So you don't actually know what was or was not

1 disclosed to pretrial services; correct?

2 A. What was documented, that's what I know.

3 Q. Sure. You know what was on the report, but you don't  
4 know what was or was not actually disclosed to pretrial  
5 services, do you?

6 A. No.

7 Q. Okay. And were you present at the hearing before Judge  
8 Nowak?

9 A. No.

10 Q. You were not. I remember you reading some testimony  
11 earlier from that hearing. You don't know whether I  
12 proffered to Judge Nowak that, in fact, there was disclosure  
13 regarding the Frisco properties, do you?

14 A. No.

15 Q. Okay.

16 (Pause in the proceedings.)

17 THE COURTROOM DEPUTY: Can I help you?

18 MR. WOHLFORD: I'm trying to do the doc cam. Oh, I  
19 got it. Okay.

20 BY MR. WOHLFORD:

21 Q. Ms. Keene, can you see what's on the screen there?

22 A. Yes.

23 Q. Okay. I turn your attention to line 12. Do you see  
24 that?

25 A. Yes.

1 Q. This is the transcript of the detention hearing before  
2 Judge Nowak. Could you read starting at line 12 for us?

3 A. *One thing, Your Honor, that's been mentioned over and*  
4 *over about, well, there weren't disclosures of properties in*  
5 *Plano. In fact, Your Honor, because Mr. Aziz is facing a*  
6 *money laundering charge, I brought the list of assets. I*  
7 *spoke to pretrial services.*

8 Q. Go on.

9 A. *I did specifically mention a -- he owns a property in*  
10 *Runaway Bay, Texas, and he's also listed as a co-owner of*  
11 *real property in Frisco, Texas, which was in the process of*  
12 *being transferred prior to the indictment.*

13 Q. Okay.

14 A. *Now, why that didn't make it into the pretrial services*  
15 *report I don't know, but it was not because of any attempt to*  
16 *conceal any evidence from this Court.*

17 Q. Okay. Ms. Keene, I represent to you that that was a  
18 proffer that I made to Judge Nowak during the detention  
19 hearing before her. Do you have any evidence that I was  
20 lying to the Court when I made that proffer?

21 A. No.

22 Q. Okay. I'm going to ask you to look at -- if you look  
23 down here at the bottom of the page where the Court's  
24 talking -- that's Judge Nowak -- do you see that?

25 A. Is this line 21?

1 Q. Yes, ma'am.

2 A. Yes.

3 Q. Read that for us, please.

4 A. *Before you're seated, sir, can you tell me -- you*  
5 *referenced during your argument here today that you provided*  
6 *the list of properties to pretrial, and so to the extent that*  
7 *it's incomplete, that's -- that that's on you.*

8 Q. Continue at the top of the page, please.

9 A. *Can you help me understand why you waited until now to*  
10 *bring that up?*

11 MS. BLOSS: Objection, Your Honor. At this time, I  
12 think we should invoke the best evidence rule and have him  
13 actually provide the list of properties that were provided to  
14 pretrial services.

15 THE COURT: Well, I think he can read his testimony  
16 or what he offered -- not his testimony, I'm sorry. It's the  
17 proffer from the attorney or what the attorney stated at the  
18 hearing.

19 And I am -- Mr. Wohlford, we may want to see if you  
20 can produce what you actually gave to Pretrial.

21 MR. WOHLFORD: Sure. And I can say right now I  
22 read from a list of documents -- of assets to pretrial  
23 services. I'm -- I've got it. I've got a copy of that with  
24 me.

25 THE COURT: Right. It might be helpful to see

1 that. But you can go through what you proffered to the  
2 Court --

3 MR. WOHLFORD: Sure.

4 THE COURT: -- the magistrate judge.

5 BY MR. WOHLFORD:

6 Q. And so can you read my response to Judge Nowak, please?

7 A. *I honestly did not realize, Your Honor, that those were*  
8 *omitted from that. I have the sheet here that I had that I*  
9 *was using to provide the information to pretrial. The last*  
10 *two bullet points are Mr. Aziz owns undeveloped real property*  
11 *in Runaway Bay, Texas, and Mr. Aziz may be listed as a*  
12 *co-owner of real property in Frisco, Texas, which was in the*  
13 *process of being transferred prior to his indictment.*

14 *Your Honor, until it came up late in the day that*  
15 *that -- that that wasn't disclosed and the suggestion that it*  
16 *wasn't disclosed, that totally escaped my mind. That is on*  
17 *me. That's absolutely my fault. I fall on the sword on*  
18 *that.*

19 Q. Okay. Thank you.

20 A. Um-hum.

21 Q. So again, you don't actually have personal knowledge of  
22 what was or was not disclosed to pretrial services on behalf  
23 of Maaz Aziz, do you?

24 A. Not beyond the report, no.

25 Q. Okay. So to the extent that you testified that Frisco

1 properties definitely were not disclosed to pretrial  
2 services, you actually don't know that, do you?

3 A. No.

4 Q. Okay. Now, was the Frisco properties subject to  
5 forfeiture? Do you know?

6 A. We were in the process of that, yes.

7 Q. Did you file a lis pendens on it?

8 A. That was in the process, but the transfer of the  
9 property made that difficult.

10 Q. Okay. So when did that process start?

11 A. The valuation date began on September 10th, but I do  
12 know that we requested the forfeiture procedure reports prior  
13 to that --

14 Q. Okay.

15 A. -- just a backlog.

16 Q. Okay. But prior to the property being sold, it was not  
17 subject to forfeiture, was it?

18 A. It was in the process.

19 Q. My question is was it subject to forfeiture at the time  
20 it was sold?

21 A. It was in the process.

22 Q. I'm not asking if it was in the process. At the time,  
23 was it listed as a property subject to forfeiture in the  
24 indictment?

25 A. Not in the indictment, no.

1 Q. Okay. Was it anywhere else subject to forfeiture?

2 A. Yes. We had the pretrial or the marshals preseizure  
3 packets being put together during that time.

4 Q. So they were being put together. They weren't  
5 completed.

6 A. Correct.

7 Q. So it was not subject to forfeiture at the time it was  
8 sold.

9 A. It was in the process.

10 Q. Okay. And also you didn't file a lis pendens?

11 A. No.

12 Q. Okay. So there was no indication to Maaz or Saad  
13 Aziz -- you know, certainly no formal indication that they  
14 were not free to sell that property, was there?

15 A. No.

16 Q. Okay. I ask you now about the demonstrative exhibit  
17 that, you know, we talked about up here. That deals with SCS  
18 accounts, right, not Maaz Aziz's personal accounts.

19 A. There was one co-owned personal account with Saad and  
20 Maaz.

21 Q. Okay. Out of how many accounts?

22 A. Six.

23 Q. Okay. So when you were talking about those accounts, I  
24 believe Ms. Bloss said that -- asked you about Agent Doering  
25 being asked about accounts that were opened after August

1 24th.

2 Do you remember that?

3 A. Yes.

4 Q. Who asked Agent Doering about accounts being opened  
5 after August 24th?

6 A. I don't know.

7 Q. But you said you remembered that testimony. So who  
8 asked?

9 A. Well, I don't remember specifically, but I remember  
10 that question being asked.

11 Q. Oh, okay. Were you testifying -- were those accounts  
12 that were opened, on that demonstrative that you talked  
13 about, those were accounts that were opened after August  
14 24th? Or were you just talking about transfers from existing  
15 accounts after August 24th?

16 A. These accounts remained opened after August 24th, is  
17 what she was asking about.

18 Q. Okay. They remained open. I think you were asked --  
19 and I just wanted to make sure we have a clear record. You  
20 didn't testify about a single account that was actually  
21 opened after August 24th, did you?

22 A. Not that was physically opened after, but accounts that  
23 remained open post August 24th.

24 Q. Okay. Remained open --

25 A. Yes.

1 Q. -- correct? So the transfers. I know you looked at  
2 one transfer on the demonstrative. I don't remember which  
3 one it was, and you said, well, that's not an auto transfer  
4 because that was a check.

5 Do you remember that?

6 A. I would have to see the number that you're referring  
7 to.

8 Q. Yeah. I'm just saying do you generally remember that,  
9 that there was one at least that you thought was -- that was  
10 not -- you know, couldn't have been an auto transfer because  
11 it was a physical check.

12 A. Oh, the cash withdrawals?

13 Q. Yeah.

14 A. Yes.

15 Q. Okay. Other transfers that weren't those cash  
16 withdrawals, those could have been auto transfers; right?

17 A. The checks written to Gohar were not; those were  
18 handwritten checks.

19 Q. There are transfers listed on that exhibit that could  
20 be automatic transfers, aren't there?

21 A. Generally, the description of the transaction would  
22 include some sort of auto pay or something to that effect,  
23 and these did not.

24 Q. Okay. You have no opinion or knowledge about whether  
25 or not these were -- any transfers that were made out of

1 these accounts were made to pay preexisting obligations, do  
2 you?

3 A. Can you repeat that question?

4 Q. Is it your testimony that all of these transfers dealt  
5 with new business that was ongoing, or is it that these  
6 transfers could have been -- could have paid for preexisting  
7 obligations that SCS had?

8 A. New business.

9 Q. New business?

10 A. Yes.

11 Q. So your testimony is you're aware of actual  
12 transactions of goods between SCS and somebody else after  
13 August 24th?

14 A. I can't speak to the goods. I can only speak to the  
15 transactions that occurred.

16 Q. And all you've got is financial transactions; right?

17 A. Correct.

18 Q. Do you know what the underlying obligation for those  
19 transactions is?

20 A. No.

21 Q. You don't. So the fact of the matter is you don't know  
22 whether or not those transactions, any monies paid out of  
23 SCS's accounts, were to satisfy preexisting obligations. You  
24 don't know that, do you?

25 A. No.

1 Q. Okay. Now, I got the impression -- and maybe I  
2 misunderstood what you-all were trying to say. I got the  
3 impression that you-all were trying to equate financial  
4 transfers in a bank account with operating a business. Is  
5 that what you were -- were you trying to say that those  
6 financial transfers show that SCS was operating as a business  
7 after August 24th?

8 A. Yes.

9 Q. You were.

10 A. Yes.

11 Q. So any financial transfers that we just talked about,  
12 you don't know whether all those transfers and payments that  
13 were made were to pay off preexisting obligations; right?

14 A. Well, regardless of that, the advances from the credit  
15 line were fraudulent draws. So the fact that it continued  
16 after the business was shut down on August 24th speaks for  
17 itself.

18 Q. Okay. We'll talk about advances from the credit line.  
19 I'm talking -- I'm asking you, you already testified you  
20 don't know whether the transfers and payments made from SCS  
21 bank accounts were for preexisting obligations; right? You  
22 testified to that.

23 A. Correct.

24 Q. You don't know what the ongoing obligations were for  
25 those payments; right?

1 A. Correct.

2 Q. So you actually don't know whether that reflects actual  
3 operations of SCS after August 24th. You have no idea. It  
4 could have been for all stuff that was owed prior to August  
5 24th.

6 A. The fact that in the pretrial services report it stated  
7 that the business was closed on August 24th and did not begin  
8 winding down, leads me to believe that it is continuing  
9 operations.

10 Q. Okay. Do you know that the FBI has been in possession  
11 of their warehouse since August 24th?

12 A. Yes.

13 Q. What business are you saying that SCS was doing?

14 A. I can only speak to these transactions that I see here.

15 Q. Yeah. You can only speculate that there were  
16 transactions going on, you know, that there was actually  
17 operating the business. That's all you're doing; right?  
18 You're just speculating that because you have transfers from  
19 accounts that you don't know what those transfers are for.  
20 Fair?

21 A. Can you repeat that?

22 Q. Yeah. You're just speculating that SCS was operating  
23 as a business based on bank transfers for which you have no  
24 idea what those transfers were for; right? That's fair to  
25 say; right?

1 A. Well, I'll refer back to the credit line, which I know  
2 you mentioned before. Part of that, when they draw on that  
3 credit line, they are saying that they are an existing  
4 entity, that they are continuing operations. So by the fact  
5 they continue to draw on those, leads me to believe that they  
6 are continuing their operations.

7 Q. Or the draw on the credit line could have been to pay  
8 preexisting obligations, too; right?

9 A. Either way, continuing operations.

10 Q. Okay. So paying preexisting obligations is continuing  
11 operations. That's your testimony.

12 A. Yes.

13 Q. Okay. But again, you have no idea and no knowledge  
14 whatsoever whether or not SCS was actually selling any  
15 products after August 24th, do you?

16 A. No.

17 Q. No idea about that; right?

18 A. No.

19 Q. You have no idea whether SCS was actually engaged in  
20 any other type of business, other than you know that there  
21 are financial transactions to pay for obligations about which  
22 you know nothing. Is that fair?

23 A. Can you repeat that?

24 Q. You have no idea whether SCS was doing anything other  
25 than making -- than engaging in the financial transactions,

1 the underlying obligations for which you know nothing about;  
2 is that right?

3 A. Yes.

4 Q. Okay. Another bit of your testimony about that caught  
5 my attention. You said, pretty unequivocally, owners don't  
6 transfer money into a company's bank account.

7 Do you remember that?

8 A. Yes.

9 Q. Have you ever heard of a capital contribution?

10 A. Yes.

11 Q. So isn't that an owner transferring money into a bank  
12 account?

13 A. It's not as frequent as you would see here.

14 Q. I didn't ask that. I'm asking, isn't that an owner  
15 transferring money into a company's bank account?

16 A. Yes.

17 Q. Okay. Did you ever hear about owners taking a loan  
18 from a company?

19 A. Yes.

20 Q. Owners pay that money back.

21 A. Yes.

22 Q. And when an owner does that, they might transfer money  
23 into the company's bank account; right?

24 A. Correct.

25 Q. So your testimony, your unequivocal testimony and just

1 blanket testimony that owners don't transfer money into a  
2 bank account, that's not true. Owners transfer money into  
3 company bank accounts; don't they?

4 A. Yes.

5 Q. Okay. Now I would like to ask you about the CTR  
6 report. This I believe was admitted as Exhibit 12. This is  
7 the report that was sent to us at 11:24 this morning.

8 What time did you get this Exhibit 12?

9 A. It was also sometime this morning.

10 Q. Yeah, okay. I'm going to put this up on the screen.

11 So just, first off, this is a CTR report, Currency  
12 Transaction Report; right?

13 A. Correct.

14 Q. This is just a document that's filled out by a bank  
15 employee; right?

16 A. Well, this is their internal investigation into filing  
17 the CTR, yes.

18 Q. Okay. My question was this is a document that's filled  
19 out by a bank employee; right?

20 A. Correct.

21 Q. Correct. So this isn't like some FBI investigation;  
22 right?

23 A. No.

24 Q. This isn't the results of any other government  
25 investigator. This is what a bank employee wrote on this;

1 right?

2 A. Correct.

3 Q. And what's the date of this document?

4 (Pause in the proceedings.)

5 THE WITNESS: I don't see it listed on here.

6 BY MR. WOHLFORD:

7 Q. It doesn't have a date, does it?

8 A. No, sir.

9 Q. No. But we're talking about what date the analysis was  
10 because that is in there. But so I want to ask you about  
11 this full paragraph here at the bottom of the first page of  
12 Exhibit 12, which is again what's being filled out by a bank  
13 employee. And it says *Within the last two months, U.S.*  
14 *Global Product, Inc. has received multiple wires from SCS*  
15 *SUP, which I believe is SCS Supply Chain.*

16 Do you see that?

17 A. Yes.

18 Q. So not only is this just a bank employee, this is just  
19 what a bank employee believes; right?

20 A. Yes.

21 Q. Okay. Did you ever talk -- you mentioned, and I  
22 believe your testimony was, again unequivocally, that SCS has  
23 proxy accounts. You testified to that; right?

24 A. Yes.

25 Q. And is that just based off this document?

1 A. Yes.

2 Q. Which you received this morning?

3 A. Yes.

4 Q. Which you've done no further investigation into?

5 A. Correct.

6 Q. Correct. So, okay, let's peel the onion back on that a  
7 little bit. The -- I believe the basis for you saying that  
8 SCS has proxy accounts is some statements in this document  
9 that are written by a bank employee about what this person  
10 Malik Muradally told the bank employee; is that right?

11 A. Yes.

12 Q. Did you ever talk to Muradally?

13 A. No.

14 Q. No, because you haven't done any investigation into  
15 this document, have you?

16 A. Well, my role is not interviewing individuals.

17 Q. Right, I understand. But you haven't done any  
18 investigation beyond this document; right?

19 A. Correct.

20 Q. So you have no idea whether Muradally was being  
21 truthful to the -- this bank employee.

22 A. Correct.

23 Q. You have no idea whether the bank employee accurately  
24 and faithfully transcribed what he had been told by  
25 Muradally, do you?

1 A. No.

2 Q. This is just a statement by a bank employee about what  
3 someone else told that bank employee; isn't that right?

4 A. Yes.

5 Q. And then you come in here with that -- with that and  
6 that only, and that is the sole basis for your testimony that  
7 SCS has proxy accounts?

8 A. Yes.

9 Q. Look at the top here. You see where it says, Scope of  
10 Review?

11 A. Yes.

12 Q. January 2019 to January 2020; right?

13 A. Yes.

14 Q. So that tells you this is stale information anyway;  
15 right?

16 A. Not necessarily.

17 Q. Well, the Scope of Review is approximately 22-months  
18 old, isn't it?

19 A. Yes.

20 Q. Yeah, okay. Down at the bottom, *The customer sent and*  
21 *received 29 wires totaling \$1,587,313 to the suspicious*  
22 *entity. The transactions were conducted online between*  
23 *January 16, 2019 to January 8, 2020; right?*

24 A. Yes.

25 Q. Again, we're talking about information that's 22-months

1 old.

2 A. Yeah.

3 Q. And based on that information and that information  
4 alone, you are willing to testify to this Honorable Court  
5 that you know SCS has proxy bank accounts presently, as we  
6 sit here today.

7 A. This is an ongoing financial investigation. So as  
8 information becomes available, we look into it and go, go  
9 from there.

10 Q. I'm not asking about the investigation. I'm asking  
11 about the unequivocal testimony you gave today based on  
12 nothing other than this document that's based on information  
13 that's no less than 22-months old. You're willing to testify  
14 unequivocally to this Honorable Court that based on nothing  
15 other than this document, SCS has proxy bank accounts, as we  
16 sit here today. Yes or no?

17 A. Yes.

18 Q. You have no evidence whatsoever that Maaz Aziz has any  
19 access to any U.S. Global bank account, do you?

20 A. No.

21 Q. Okay. I'm going to ask you now about Exhibit 5. Just  
22 so you know what document I'm talking about, are you familiar  
23 with that?

24 A. Yes.

25 Q. Is this document, just for mine and the Court's

1     edification, is this a summary of your analysis or is this a  
2     document that you found somewhere?

3     A.     A summary of my analysis.

4     Q.     Okay. This analysis covers nine bank accounts; is that  
5     correct?

6     A.     Correct.

7     Q.     Okay. Are they all business accounts?

8     A.     No.

9     Q.     How many are not business accounts? It's just one,  
10    isn't it?

11    A.     It's two, actually.

12    Q.     Okay. Which ones are not business accounts?

13    A.     The Regions account ending in 2276, not the savings,  
14    and then also the Regions account ending in 3414.

15    Q.     Okay. The 2276 account, whose account is that?

16    A.     Saad Aziz.

17    Q.     Okay. And then the other account you mentioned that  
18    was not a business account, whose account is that?

19    A.     That is a joint-owned account between Saad and Maaz  
20    Aziz.

21    Q.     Okay. So Maaz Aziz is a co-signatory on the account  
22    for Maaz and Saad Aziz; correct?

23    A.     Correct.

24    Q.     And as of June 15 of 2021, that account had \$13,043.60  
25    in it; is that right?

1 A. Can you show me?

2 Q. Sure. Does that help reflect your recollection?

3 A. Yes.

4 Q. Okay. So that's as of June 15th of 2021. You don't  
5 have any -- do you have any information about the current  
6 balance in that account or --

7 A. Not at this time. It was not included in this  
8 consolidation the balance information was on.

9 Q. Okay. So you would agree with me that this document  
10 that you proffered to the Court says nothing about the  
11 current account balance or status of this account.

12 A. Sure.

13 Q. Yeah. Maaz Aziz is also a signatory on the account  
14 that's named "Gizmobile"; is that right?

15 A. Yes.

16 Q. And that account, going from my notes, as of May 28th,  
17 there was \$26,608.62 in that account. Does that sound  
18 accurate?

19 A. What was the amount you said?

20 Q. Here, I'll show it to you in just a sec.

21 So that account is 26 or \$28,608.62, right, as of  
22 May 28th, 2021?

23 A. Correct.

24 Q. And you would agree this is not a personal account, is  
25 it?

1 A. No.

2 Q. And you would also agree that this says nothing about  
3 the current balance or status of that account either, does  
4 it?

5 A. No.

6 Q. This is going on close to five-months old.

7 A. Correct.

8 Q. Okay. And the other seven accounts, Maaz Aziz isn't  
9 the signatory on any of those; right?

10 A. Correct.

11 Q. Okay. Your analysis regarding these accounts again,  
12 all nine accounts, it ranges from January of 2020 to June  
13 2021; is that right?

14 A. Yes.

15 Q. Some accounts, the information is in May. Some  
16 accounts, the information ends in June. Right?

17 A. Correct.

18 Q. So again, I mean, a lot of work went into this, but at  
19 the end of the day, it doesn't say anything about the current  
20 status of any of those accounts, does it?

21 A. No.

22 Q. Okay. So looking at this document again, which is sort  
23 of a consolidated summary of your analysis of those nine  
24 accounts; right?

25 A. Yes.

1 Q. And I just want to go to the bottom line. It says, you  
2 know, "Sources:" there.

3 A. Yes.

4 Q. It's 36 million 175 -- or \$36,175,029.76; right?

5 A. Correct.

6 Q. And the "Uses:" is \$36,065,908.97; is that right?

7 A. Yes.

8 Q. So the bottom line analysis of this spreadsheet,  
9 setting aside that it's stale information, is that over these  
10 nine accounts as of May or June 2021, there was around  
11 109,000 in liquid assets; is that right?

12 A. In these accounts, yes.

13 Q. Okay. It's not -- that's not tens of millions of  
14 dollars in liquid assets, is it?

15 A. No.

16 Q. Certainly not hundreds of millions of dollars.

17 A. No.

18 Q. And this doesn't even paint the current picture, does  
19 it?

20 A. No.

21 Q. Okay. You have no opinion, and you are offering no  
22 opinion here today, as to whether any of the transactions  
23 reflected in all your analysis were legal or illegal, are  
24 you?

25 A. No.

1 Q. Okay. Analysis says nothing whatsoever about the  
2 legality of any of the transactions you've analyzed, does it?

3 A. No.

4 Q. Flip to the -- do you see there where it says, Income,  
5 and you've got just shy of 12 million there?

6 A. Yes.

7 Q. I just want to clarify. Is that gross revenue or is  
8 that net income that we're talking about?

9 A. So that would be gross revenue.

10 Q. Why do you use Income?

11 A. Just what I use in my analysis when I schedule the  
12 accounts.

13 Q. Okay. So that's -- the Court shouldn't read that and  
14 think, my gosh, they made \$11 million or close to \$12 million  
15 in net profit.

16 A. No. This is not a financial statement.

17 Q. Yeah. That's just gross revenue that came into these  
18 accounts; right?

19 A. Yes.

20 Q. Okay. Let's see. You're familiar with this, this part  
21 of the document, too, that's the second page there of Exhibit  
22 5?

23 A. Yes.

24 Q. You have a breakdown in where these revenues come from;  
25 don't you?

1 A. Yes.

2 Q. It looks like 23.3 percent comes from Dubai; is that  
3 right?

4 A. Yes.

5 Q. Again, you have no idea or opinion as to whether any of  
6 that, those funds, are illicit; right?

7 A. Based off of the totality of the investigation,  
8 including the -- what I've done so far with the other  
9 accounts, it is believed that the foreign income from Dubai,  
10 specifically Action Logistics, is illegal income.

11 Q. Is believed by you or by people within the FBI?

12 A. The totality of the investigation, looking at this  
13 whole conspiracy from a broader picture.

14 Q. The whole alleged conspiracy from the broader picture  
15 has led the FBI to believe that the income from one person in  
16 Dubai or one company in Dubai is illicit?

17 A. Not just one company. But, yes.

18 Q. You only mentioned the one. What else?

19 A. That was just the first one that I saw. Also, Super  
20 Nova, which was mentioned in the credit application. Those  
21 are the ones I can think of off the top of my head.

22 Q. Okay. So when I asked you before whether you have any  
23 opinion as to whether or not any of these transfers were  
24 illicit and you said no, you don't have an opinion, now you  
25 do have an opinion.

1 A. Yes.

2 Q. Okay. So that, I believe it looks like 23.3 percent,  
3 based on your analysis, comes from Dubai. Then the next one  
4 down is, it looks like England, 9.85 percent.

5 A. Yes.

6 Q. When you were talking to Ms. Bloss about, oh, you know,  
7 there's this money coming in from Dubai, I think you  
8 mentioned -- I don't remember the other country you  
9 mentioned, but I don't remember you mentioning England;  
10 right? You didn't mention that, did you?

11 A. No.

12 Q. And, yet, that's the second biggest source of SCS's  
13 foreign income -- correct myself -- foreign gross revenue,  
14 not income; right?

15 A. For this time period and in these accounts, yes.

16 Q. Yeah, okay. Now, England -- do you know whether  
17 England uses the Global Standard Mobilization Association  
18 device registry for blocking stolen devices?

19 A. I cannot speak to that. I can only speak to the  
20 financials.

21 Q. Yeah, can't speak to that.

22 A. The financials.

23 Q. Okay. So England may not be a place where you can even  
24 sell a stolen phone; right?

25 A. Maybe.

1 Q. Yeah. So all of that 9.8 percent there, or was it 9.85  
2 percent of the income, you know, 1.1 million, as far as you  
3 know, that's a hundred percent legitimate.

4 A. It could be.

5 Q. Next one down I see is 2.56 percent, the Netherlands;  
6 right?

7 A. Yes.

8 Q. Do you know whether the Netherlands uses the Global  
9 Standard Mobilization Association device registry for  
10 blocking stolen devices?

11 THE COURT: Stand by, Ms. Keene.

12 MS. BLOSS: Objection, Your Honor. This is outside  
13 the scope of direct examination, and this witness has clearly  
14 stated that she was only asked to perform a financial  
15 investigation.

16 THE COURT: All right. Well, as you know, our  
17 rules are relaxed for a detention hearing, so I'm going to  
18 overrule the objection and allow the question.

19 MR. WOHLFORD: Thanks, Your Honor.

20 BY MR. WOHLFORD:

21 Q. Do you have any idea whether the Netherlands uses the  
22 global registry for blocking stolen devices?

23 A. No.

24 Q. Okay. So again, all this revenue from the Netherlands,  
25 the 306,000 and change, that could all be completely

1 legitimate revenue; right?

2 A. Could be.

3 Q. Yeah. Other countries you list, New Zealand, the  
4 revenue coming in about .98 percent in the revenue. Canada,  
5 that one stuck out to me. Only .69 percent of all of the SCS  
6 revenue in these accounts came from Canada, huh?

7 A. Yes.

8 Q. Again, this is old information, so it doesn't paint the  
9 current picture. But at least in this little snapshot in  
10 time that you analyzed, it was only .69 percent; right?

11 A. Correct.

12 Q. Okay. You've got Hong Kong at .56 percent. You've got  
13 Prague at .5 percent. Switzerland at .4. Israel at .34.  
14 And Uruguay at .23; is that right?

15 A. Yes.

16 Q. Okay. So other than Dubai or UAE, or England and the  
17 Netherlands, no other foreign country even represented 1  
18 percent of SCS's revenue during this snapshot in time that  
19 you analyzed; right?

20 A. Correct.

21 Q. So and then if you look at the bottom line here, it's  
22 less than 40 percent of SCS's total revenue came from foreign  
23 countries; is that right?

24 A. Yes.

25 Q. And, again, just in this snapshot shot in time.

1 A. Correct.

2 Q. So it's not accurate to say or to suggest that, at  
3 least based on your analysis, that SCS is solely in the  
4 business of selling products overseas; right? That wouldn't  
5 be accurate.

6 A. No.

7 Q. In fact, that's less than half of its business.

8 A. For this time frame and in these accounts, yes.

9 Q. Yeah. And so for this time frame and in these  
10 accounts, less than 40 percent of SCS's revenue came from  
11 overseas.

12 A. Correct.

13 Q. Okay. And just again, you don't have any analysis,  
14 you're offering no evidence, about what SCS's revenue is  
15 after the time frame captured in this analysis; right?

16 A. Correct.

17 Q. Okay. I will move now to Exhibit 9.

18 So you remember Exhibit 9 was the document related  
19 to approval of a line of credit for SCS in 2020; right?

20 A. Yes.

21 Q. And that was in August 31st of 2020; right?

22 A. I believe so.

23 Q. I can put it up if that would help.

24 A. Yes.

25 Q. Yeah, okay. So again, not actually talking about

1 current information and it's over a year old; right?

2 A. Correct.

3 Q. Okay. And in this document, Maaz Aziz is not listed as  
4 an owner of SCS, is he? Page 8.

5 (Pause in the proceedings.)

6 THE WITNESS: Okay. I apologize. I'm with you  
7 now.

8 BY MR. WOHLFORD:

9 Q. No problem. So my question was in this document, Maaz  
10 Aziz is not listed as an owner of SCS, is he?

11 A. No.

12 Q. Did Agent Doering have this document?

13 A. I believe -- I'm not sure.

14 Q. Okay. You don't know whether Agent Doering ever viewed  
15 this document?

16 A. I believe he did.

17 Q. Okay. So Agent Doering, when he testified earlier, you  
18 know, that Maaz Aziz is an owner of SCS, he certainly had  
19 some evidence that suggested Maaz Aziz isn't an owner of SCS;  
20 right?

21 A. Can you repeat that?

22 Q. Yeah. When Agent Doering testified earlier that Maaz  
23 Aziz is an owner of SCS, it's your understanding Agent  
24 Doering had evidence that showed that Maaz Aziz was not an  
25 owner; right?

1 A. Well, I will say there are bank accounts that had --  
2 that were in SCS's name that Saad and Maaz were both  
3 signators (ph) on that have since been closed, but...

4 Q. That's not at all the question that I asked.

5 The question that I asked was when Agent Doering  
6 testified earlier that Maaz Aziz was an owner of SCS, it's  
7 your understanding that he actually had information that  
8 showed that Maaz Aziz was not an owner of SCS; is that  
9 correct?

10 A. Based off this one document where it does not split the  
11 ownership percentage, yes.

12 Q. Okay. You have -- there's no indication in this  
13 document that Maaz Aziz has any ability to access this  
14 Regions line of credit; right?

15 A. No.

16 Q. In fact, I think you testified earlier that -- is this  
17 line of credit even open anymore? Did Regions close this  
18 down?

19 A. I believe it's currently still open.

20 Q. You talked to him, and Regions said, oh, yeah -- did  
21 you testify earlier that Regions told you there were  
22 fraudulent draws on the --

23 A. Yes.

24 Q. And then they just said, you know what, we'll keep it  
25 open, though.

1 A. I believe they're in the process, but I cannot speak  
2 for Regions right now.

3 Q. Okay. So again, no evidence in this document or  
4 elsewhere that Maaz Aziz personally can't access this line of  
5 credit; right?

6 A. No.

7 Q. He's not a guarantor for this line of credit, is he?

8 A. No.

9 Q. Now, Ms. Bloss talked about foreign accounts in this  
10 document, and I think what she was talking about was AR,  
11 right, accounts receivable?

12 A. Yes.

13 Q. So just so we're clear, all of that kind of back and  
14 forth about the foreign accounts related to this document,  
15 that didn't have anything to do with foreign bank accounts,  
16 that had to do with insurance for foreign accounts  
17 receivable.

18 A. Correct.

19 Q. And as we saw just a little bit ago, the accounts  
20 receivable for SCS, at least during the time period and  
21 snapshot that you analyzed, were actually less than 40  
22 percent of their entire revenue; right?

23 A. Correct.

24 Q. Okay. Is Regions Bank a reputable bank?

25 A. Yes.

1 Q. Okay. And so they -- you know, they probably did some  
2 due diligence before they offered this line of credit?

3 A. Yes.

4 Q. Okay. Do you remember seeing in this document their  
5 analysis that in 2020, electronic parts and equipment  
6 wholesaling in the U.S. was a \$412.4 billion industry?

7 A. Can you point to that?

8 Q. Yeah, sure. Do you see that?

9 A. Yes.

10 Q. Any reason to dispute that's the case?

11 A. No.

12 Q. And there's two publicly traded companies in this  
13 industry as competitors of SCS, don't they?

14 A. Yes.

15 Q. And then they listed a non-public company owned by  
16 Berkshire Hathaway as another competitor; right?

17 A. Yes.

18 Q. So just so we're clear and there's no, you know, no  
19 mistake about this, it's not the government's position that  
20 the industry and the business that Maaz and Saad Aziz are  
21 involved in is just a purely illegal industry, is it?

22 A. No.

23 MR. WOHLFORD: Okay. I'm going to move to Exhibit  
24 10. And I'm sorry if I'm misidentifying the exhibit as it  
25 was admitted today. This was Exhibit 10 as it was identified

1 in the supplemental -- second supplemental brief, just so I'm  
2 clear for the record.

3 BY MR. WOHLFORD:

4 Q. So this document again, right, has been a subsequent  
5 Regions credit approval for some changes to the line of  
6 credit for SCS; right?

7 A. For an increase, yes.

8 Q. Okay. And again, if we look at the bottom, that  
9 document's dated November 17th of 2020.

10 A. Correct.

11 Q. Almost a year old.

12 A. Yes.

13 Q. Yeah. Let's go to page 25 of this document. And Maaz  
14 Aziz is not an owner of SCS, is he?

15 A. No.

16 Q. No.

17 A. Not listed here.

18 Q. No, he's not. Doesn't even say he owns 1 percent of  
19 it, does it?

20 A. No.

21 Q. No indication he has the ability to access funds under  
22 this line of credit; right?

23 A. No.

24 Q. Not a guarantor for it.

25 A. No.

1 Q. Okay. I'm going to go back to page 3 of Exhibit 10.  
2 And I want to make sure I understood what your testimony was.  
3 I believe you testified this document says that Maaz Aziz was  
4 offered as an alternative for the key man insurance that  
5 Regions wanted for Saad Aziz.

6 A. Yes.

7 Q. Where does it say that on there?

8 A. Beginning of the paragraph 3 where it states, *Regarding*  
9 *the inability to provide Key man life insurance, Regions has*  
10 *visited further with the borrower regarding key management*  
11 *and succession planning. While SCS is relatively small, they*  
12 *have a management structure in place and plans in place to*  
13 *ensure continued operations. Next paragraph.*

14 *Maaz Aziz is the brother of Saad and has been with*  
15 *the company since founding. He heads the sales department*  
16 *and is key to rising volumes. Mr. Amr Makki is chief of*  
17 *operations and has been with the company for about two years.*  
18 *He has a deep understanding of the business and is a key*  
19 *contributor to decision making for the firm.*

20 Q. And I must have missed it. Where did it say that Maaz  
21 Aziz was an alternative option for key man insurance?  
22 Because the way I'm reading that, it says maybe we don't need  
23 key man insurance because they've got people in the pipeline,  
24 they've got people lower in the ranks; they're going to take  
25 over the business if someone were to happen to the key man.

1 A. Precisely.

2 Q. Yeah. So it's not that he is an alternative, not that  
3 Maaz Aziz provided -- you know, that Regions had Maaz -- took  
4 out a key man insurance policy on Maaz Aziz; right?

5 A. No. They did not provide key man life insurance.

6 Q. Okay. That -- I was trying to clear that up. Because  
7 that was my understanding of your testimony earlier was that  
8 SCS offered Maaz Aziz as an alternative, you know, insurer or  
9 you know, kind of collateral -- whatever you want to call  
10 it -- you know, the key man insurance, but that's not what  
11 you were testifying; right?

12 A. Well, they have the management structure in place, so  
13 that Maaz Aziz and his brother -- because his brother has  
14 been with the company since founding. And then they have the  
15 chief operating officer as well.

16 Q. Yeah. And my question I guess is only, it's not your  
17 testimony that Regions Bank or SCS took a key man insurance  
18 policy out on Maaz Aziz in order to satisfy any requirement  
19 that Regions Bank had for this line of credit; right?

20 A. No.

21 Q. Okay. I don't think I need to show Exhibit 11 on the  
22 screen, but fair to say that's a balance sheet for Saad and  
23 Duua Aziz; right?

24 A. Can you show it, just to make sure?

25 Q. Sure. Do you not have the exhibits in front of you?

1 A. I don't have them numbered, so I just want to make sure  
2 I'm looking at the right thing.

3 Q. I'm kind of worried we are going to have a messy record  
4 with exhibit numbers here, but we'll figure it out.

5 That document, that was labeled as Exhibit 11 to  
6 the government's second supplemental brief?

7 A. Yes.

8 Q. That document has zero to do with Maaz Aziz; right?

9 A. Correct.

10 Q. Okay. And then go to the credit agreement between SCS  
11 Supply Chain and Regions Bank. This was labeled as Exhibit  
12 12 to the government's second supplemental exhibit -- I  
13 apologize, I don't recall what we admitted this exhibit as  
14 today. But I think if I identify it as the credit agreement,  
15 you know what I'm talking about; correct?

16 A. Yes.

17 Q. Okay. And again, this is dated December 3rd of 2020;  
18 right?

19 A. Correct.

20 Q. Is this agreement still in place?

21 A. I believe it would go the length of, as long as the  
22 line of credit was outstanding, then the agreement would be  
23 in place, yes.

24 Q. Okay. I want to go to the last page of this document.  
25 This is the Schedules page; right?

1 A. Yes.

2 Q. Okay. There has been a lot of testimony that, you  
3 know, SCS Canada is a subsidiary of SCS. Have you heard  
4 that?

5 A. Yes.

6 Q. Now, this document at least was a document the  
7 government's offering to support its position here. If you  
8 look at 6.13 in the Schedules page, subsidiaries, ventures,  
9 et cetera, and what does it say?

10 A. None.

11 Q. Okay. Let's look at Exhibit 13. Can you tell what  
12 that document is?

13 A. Yes.

14 Q. Okay. And just to be clear as to what this is, this  
15 was just a list of transfers from SCS bank accounts from  
16 August 24th of 2021 to September 17th, 2021; right?

17 A. The transactions, yes.

18 Q. Okay. Doesn't list the balance of any accounts; right?

19 A. No.

20 Q. Doesn't actually indicate the current financial status  
21 of any of these accounts, does it?

22 A. No.

23 Q. Okay. Um, okay. And then Exhibit 14 was a PPP loan  
24 application form. I'm not even sure if that was admitted,  
25 but do you know what I'm talking about?

1 A. I -- can you show it to me?

2 Q. I'm not offering it. I want to be clear about that,  
3 but...

4 Have you seen that before?

5 A. Yes.

6 Q. Just to be clear, Maaz Aziz didn't sign that form, did  
7 he?

8 A. No.

9 Q. And real quick again, that form indicates that Maaz  
10 Aziz is not an owner or investor in SCS Canada.

11 A. Correct.

12 Q. So to be clear, you've offered no evidence regarding  
13 the current status of any SCS accounts today, have you?

14 A. Correct, beyond the September -- or the August 24th to  
15 September 17th transactions that have occurred.

16 Q. Those are just transactions. That doesn't have -- say  
17 anything about the current status or balance of those  
18 accounts, does it?

19 A. Beyond the fact that they're open to have transactions,  
20 no.

21 Q. Okay. So it says that the accounts are open, but it  
22 doesn't say anything about the balance, anything else; right?

23 A. Correct.

24 Q. Okay. And you've offered no evidence regarding Maaz  
25 Aziz's current ability to access funds from those SCS

1 accounts, have you?

2 A. Correct.

3 MR. WOHLFORD: Okay. Pass the witness, Your Honor.

4 THE COURT: All right. Do you have any  
5 examination, Mr. Meyer?

6 MR. MEYER: Yes, Your Honor. My apologies.  
7 Double-checking before I make the exhibit situation any worse  
8 than it already is.

9 CROSS-EXAMINATION

10 BY MR. MEYER:

11 Q. Ms. Keene, there's been a lot of testimony about what  
12 was told or not told to pretrial services. And as to my  
13 client, Saad Aziz, were you present during his pretrial  
14 services interview?

15 A. No.

16 Q. Okay. And so you don't know who was in the room at  
17 that time?

18 A. No.

19 Q. Okay. You don't know who was asked what?

20 A. Just whatever was reported in the report.

21 Q. Okay. And to clarify, my colleague, Ms. Riley, you  
22 were not aware that she was there for that interview;  
23 correct?

24 A. Correct.

25 Q. You're not aware of the answers she provided to

1 pretrial --

2 (Court reporter clarification.)

3 MR. MEYER: Yes, ma'am. I apologize.

4 BY MR. MEYER:

5 Q. Last question is you are not aware of the answers she  
6 provided pretrial services; is that correct?

7 A. Correct.

8 Q. You're also not aware of the length of that meeting,  
9 are you?

10 A. No.

11 Q. And just to clarify, on each of the two Frisco lots,  
12 lots I believe 6 and 7 that you discussed during your direct  
13 examination, those are not subject to lis pendens, are they?

14 A. Not at this moment, no.

15 Q. There's not a preliminary order of forfeiture that's  
16 been filed in the Eastern District or the Northern District  
17 of Texas; is that right?

18 A. Correct.

19 Q. And going to what I believe is Exhibit 12, I know you  
20 covered this at length, so I just want to make sure this is  
21 clear for the record. The transfers that you identified in  
22 the Regions accounts after August 24th, you have no idea  
23 whether those are for new or past obligations; is that  
24 correct?

25 A. It is my assumption, based off of the warranties that

1 are made by drawing on the credit line, that the business was  
2 continuing.

3 Q. I'm sorry. I'm sorry. Could we --

4 MR. MEYER: Objection as nonresponsive, Your Honor.

5 THE COURT: Well, let her finish her answer --

6 MR. MEYER: Yes, Your Honor.

7 THE COURT: -- then you can make your objection.

8 THE WITNESS: So it's my understanding that it is  
9 continuing business. However, the specifics of the  
10 transactions, I do not know about.

11 BY MR. MEYER:

12 Q. Okay. So to clarify the record, you do not know  
13 whether these financial transfers are for current, past, or  
14 future obligations.

15 A. Correct.

16 Q. And with respect to the U.S. Global bank account and  
17 the report from Prosperity, I'm going to ask the same  
18 question Mr. Wohlford asked about his client: You have no  
19 indication that Saad Aziz has signatory authority on any of  
20 those accounts; is that correct?

21 A. Not at this time.

22 Q. And you have no indication he has the ability to access  
23 those accounts; is that correct?

24 A. Not at this time, no.

25 Q. This is Exhibit 5 that you were discussing earlier,

1 Government Exhibit 5. And this is a report that you  
2 prepared?

3 A. Correct.

4 Q. And just for the take-away number at the bottom, I know  
5 you've discussed this at length, but there is approximately a  
6 hundred thousand dollars that is liquid in those accounts for  
7 this time period -- the analyzed accounts; is that correct?

8 A. Correct.

9 Q. And that time period ended on June 30, 2021; is that  
10 correct?

11 A. Correct.

12 Q. So five months ago.

13 A. Yes.

14 Q. Are you're not aware of the current balance of those  
15 accounts, are you?

16 A. No.

17 Q. Going back to these post transfer or post -- sorry --  
18 warrant transfers, a number of them are coded as sweeps --

19 A. Yes.

20 Q. -- in the transaction type.

21 A. Yes.

22 Q. For instance, there are transfers here on 9/16 that are  
23 coded as sweeps, the SCS expense account; is that right?

24 A. Yes.

25 Q. And there's a number of earlier ones, including I think

1 all of the transactions regarding a line of credit are coded  
2 as sweeps.

3 A. Yes.

4 Q. Do you have an understanding of what that means?

5 A. I do not. Those are internal designations provided by  
6 Regions.

7 Q. And how long -- you said you've been a CPA for ten  
8 months with the FBI; is that correct?

9 A. With the FBI, yes.

10 Q. And how long were you in public accounting before that?

11 A. Over two years.

12 Q. Okay. And that was after you got your master's in  
13 accounting?

14 A. Yes.

15 Q. And so you audited public companies; is that correct?

16 A. I -- no, sir.

17 Q. You did not do public company work as a CPA.

18 A. I worked as a CPA, but the companies that I audited  
19 were privately held.

20 Q. Okay. So they were private companies. Were they  
21 closely held or did they have a large number of shareholders?

22 A. Closely held.

23 Q. So less than 50 shareholders; is that right?

24 A. Yes.

25 Q. Any single-member or two-member entities that you

1     audited?

2     A.     Yes.

3     Q.     And it's still your testimony today that it's  
4     completely unusual for you that the owners of an entity would  
5     make transactions in and out from their personal accounts?

6     A.     To this degree, yes.

7     Q.     To this degree. I understand.

8     A.     Yes.

9     Q.     So it's not your testimony that it's unusual for an  
10    owner of a single or two-member LLC to move money in and out  
11    from personal accounts to business accounts.

12    A.     Correct.

13    Q.     Would you have any reason to disagree with me if I  
14    represented to you that these sweeps were an automated  
15    process whereby funds were deposited into the account from  
16    the line of credit based on the borrowing base of the  
17    company?

18    A.     Can you repeat that? Sorry.

19    Q.     Yes. So do you have the spreadsheet in front of you?

20    A.     I do.

21    Q.     Okay. So if you look at, for instance, I believe  
22    8/24 -- my apologies, that's a bad example.

23            There we go. If we look at 8/25, there is a line  
24    here that's coded as cash management credit?

25    A.     Yes.

1 Q. 72,500. And your timeline identifies that that  
2 transfer was a transfer from the Regions line of credit; is  
3 that correct?

4 A. Correct.

5 Q. So my question to you is -- this is coded as a sweep.  
6 You mentioned earlier that there are, you know, individual  
7 checks being cashed, that sort of thing. It looks like right  
8 here is one, \$20,000, that would have been a check that was  
9 cashed at the desk.

10 So my question to you is, where it says this is a  
11 sweep, if I represent to you that this is an automated  
12 process whereby Regions is doing a daily analysis and they  
13 are depositing into the account the amount justified by the  
14 borrowing base submitted on a biweekly basis, do you have any  
15 reason to disagree with that?

16 A. In the credit agreement, in order to get an advance  
17 from the credit line, you have to submit a written agreement  
18 or a written statement to Regions to get that money.

19 Q. And have you reviewed all of those?

20 A. All of what?

21 Q. The transfer -- the credit requests, the loan advances.

22 A. No.

23 Q. Have you reviewed any of the loan advances?

24 A. No.

25 Q. Are you aware of whether or not loan advances exists

1 for each one of these transactions?

2 A. No.

3 Q. Are you aware that this is a contract that can  
4 be amended by the parties?

5 A. No.

6 Q. So setting aside what's in the credit agreement, if I  
7 represent to you that this is an automated process, it became  
8 automated at some point, do you have any reason to disagree  
9 with that?

10 A. Not at this time.

11 Q. And moving on to the -- well, first of all, just a  
12 matter of clarification. During your direct examination with  
13 Ms. Bloss, you mentioned on a number -- you described a  
14 number of times that the financing arrangement with Regions  
15 is a loan. That's not exactly correct. It's a line of  
16 credit; right?

17 A. Correct. Yes.

18 Q. So when we looked at the \$2 million authorization and a  
19 \$3 and a half million authorization, it's not your testimony  
20 that on those dates Regions just cut a check to SCS for \$2  
21 million.

22 A. Correct.

23 Q. SCS had to provide a borrowing base; is that right?

24 A. Yes.

25 Q. And that borrowing basis comprised of various

1 categories, including accounts receivable; is that right?

2 A. Yes.

3 Q. And those were valued-based amounts by a credit-based  
4 amounts by Regions; is that correct?

5 A. Yes.

6 Q. And Regions will only loan a certain amount against  
7 those various categories of borrowing base, and there was a  
8 maximum that could be less than or up to \$2 million, and then  
9 eventually \$3.5 million.

10 A. Correct.

11 Q. So going to what has been marked Exhibit 8 for the  
12 hearing, this is a balance sheet that Ms. Bloss covered with  
13 you. And this was received from Regions Bank; is that  
14 correct?

15 A. Correct.

16 Q. And this is not a balance sheet prepared by Saad Aziz  
17 individually, is it?

18 A. No.

19 Q. This is prepared by the bank.

20 A. It lists tax return. I can't -- I am to assume that it  
21 came from their tax return.

22 Q. My assumption was that it was prepared by the bank  
23 based on tax returns. Does that seem fair to you?

24 A. Yes.

25 Q. And a couple of questions, I think the first one of

1 which is the most recent date on here is December 31st, 2019;  
2 is that right?

3 A. Yes.

4 Q. So this is a financial statement, a balance sheet from  
5 Saad Aziz as of 12/31/19.

6 A. Yes.

7 Q. And today is October 25th, 2021.

8 A. Yes.

9 Q. So this information is almost two-years old; is that  
10 right?

11 A. Yes.

12 Q. And here, where it's listing his assets, it identifies  
13 the value of the business owned. And for these purposes, the  
14 business owned is SCS Supply Chain here in Texas; is that  
15 right?

16 A. I would assume so, yes.

17 Q. And that's \$800,000.

18 A. Yes.

19 Q. So that's fully half of his total assets identified by  
20 the bank.

21 A. Yes.

22 Q. In 2019.

23 A. Um-hum.

24 Q. And as you testified earlier, are you aware that the  
25 warehouse is currently held by the FBI?

1 A. Yes.

2 Q. Is that right? And it has been held by the FBI for the  
3 last month?

4 A. Yes.

5 Q. Two months.

6 A. Two months.

7 Q. I apologize.

8 A. Yes.

9 Q. And then finally, you discussed with Ms. Bloss these  
10 adjusted gross income numbers down here at the bottom,  
11 571,000 and then 749,000; is that right?

12 A. Yes.

13 Q. So that's cash that Mr. Aziz received in each of '18  
14 and '19.

15 A. Correct.

16 Q. It's your testimony today that these are cash  
17 distributions he received in full in 2018 and 2019.

18 A. Well, it's his income for that year.

19 Q. Okay. So I understand it's his taxable income. My  
20 question is did he receive \$749,799 in cash in 2019?

21 A. I can't say whether it was in cash or...

22 Q. Are you aware of what kind of entity SCS is?

23 A. I believe it's an LLC.

24 Q. And LLC's are pass-through entities; is that correct?

25 A. Correct.

1 Q. Are you aware of what tax election SCS has made?

2 A. Um, I believe it was an S Corp, but I can't remember.

3 Q. So if it's an S Corp, the income is going to be passed  
4 through and deemed for the owners; is that correct?

5 A. Yes.

6 Q. So if this is deemed income, then 749,000 could just be  
7 income from the business but not actual cash distributions;  
8 is that right?

9 A. Can you repeat that?

10 Q. Yes. My point is this is \$749,799 in taxable income in  
11 2019, but you have no idea, sitting here today, whether that  
12 amount was actually distributed in cash to Mr. Aziz or  
13 whether it was held at the company, because it's a  
14 pass-through entity, so this income would just be deemed to  
15 him.

16 A. Correct.

17 Q. And speaking of deemed income, are you aware of the  
18 ownership structure, at least as Regions understands it, for  
19 SCS?

20 A. Um, I believe in the credit application it was listed  
21 as Saad Aziz with a hundred percent ownership.

22 Q. So for federal tax purposes, he would have had to pay  
23 taxes on the total income of SCS in 2018 and 2019, whether or  
24 not he actually received those funds in cash.

25 A. Correct.

1 Q. And you discussed earlier with Ms. Bloss that there  
2 were -- there were entities that Regions identified as  
3 affiliated or related entities because they were owned by  
4 Duua Aziz.

5 A. Correct.

6 Q. I'm going to direct you to page 15 of Exhibit 9.

7 Please just let me know if I read the second  
8 sentence correctly. *While not active in the daily*  
9 *operations, she* -- referring back to Duua Aziz -- *is the*  
10 *beneficial owner of multiple related entities.* Is that  
11 correct?

12 A. Yes.

13 Q. And beneficial owner, again, is someone who owns  
14 legally on paper but, as the bank said, she is not involved.

15 A. In SCS, correct.

16 Q. So just to clarify, it says *While not active in the*  
17 *daily operations, she is the beneficial owner of multiple*  
18 *related entities.* I read that correctly.

19 A. Yes.

20 Q. So do you have any reason to dispute Regions'  
21 understanding as of August 2020 that Ms. Aziz was not  
22 involved in the daily operations of the business?

23 A. No.

24 Q. And you also covered with Ms. Bloss that there was an  
25 update to this application in November of 2020; is that

1 right?

2 A. Yes.

3 Q. And at that time, they increased -- Regions authorized  
4 an increase in the line of credit from two million to three  
5 and a half million; is that right?

6 A. That is correct.

7 Q. This was after Regions had done an onsite examination?

8 A. I believe so, yes.

9 Q. I direct you to page 27 of Exhibit 10, please. As we  
10 were talking earlier about whether or not Mr. Aziz had  
11 reached -- or received cash distributions, this first bullet  
12 point in the bank's analysis -- make sure I read this  
13 accurately -- *MRA estimates tax payments of 25% of NI --*  
14 *assume that's net income -- while covenant includes actual*  
15 *distributions, which have been materially less in recent*  
16 *years as owners have retained earnings.*

17 Did I read that right?

18 A. Yes.

19 Q. Now, as you identified earlier, the owner of SCS is  
20 Saad Aziz; is that correct?

21 A. Yes.

22 Q. And retained earnings means that he did not make cash  
23 distributions; is that accurate?

24 A. Yes.

25 Q. So he would have reinvested those income -- he would

1 have reinvested distributions into the business.

2 A. Yes.

3 Q. So earlier, in the same document on page 5, when the  
4 bank is identifying margins of 1.6 to 1.7 percent for the  
5 business as a whole, the bank's saying Saad Aziz isn't  
6 pocketing that money, he's plowing it back into the business  
7 to expand it; is that correct?

8 A. Yes.

9 Q. Do you have any reason to believe that Saad Aziz  
10 stepped up distributions in 2021?

11 A. Not at this time, no.

12 Q. One more question on Exhibit 10 and then we'll move on.

13 I direct you to page 32 of Exhibit 10. Again, this  
14 is the November 2020 update; is that correct?

15 A. I believe so, yes.

16 Q. Okay. And again the bank notes, quote, *While not*  
17 *active in the daily operations, she* -- referring to Duua  
18 *Aziz -- is the beneficial owner of multiple related*  
19 *entities...*

20 Did I read that correctly?

21 A. Yes.

22 Q. So again, as of November 2020, after a field exam, the  
23 bank is still saying Duua Aziz was merely a beneficial owner  
24 with no involvement in the daily operations; is that correct?

25 A. Yes.

1 Q. Do you have any reason to dispute that today?

2 A. Not at this time.

3 Q. Ms. Keene, how many -- or Agent Keene? I apologize.

4 A. Ms. Keene.

5 Q. Ms. Keene, how many detention hearings have you  
6 testified in?

7 A. This is my first one.

8 Q. So when Ms. Bloss asked you earlier if you were -- if  
9 you had made a determination as to any conditions of release  
10 that could be imposed on Saad Aziz to reasonably compel  
11 his -- reasonably compel his appearance at trial, this is the  
12 first time you've had to do this.

13 A. Correct.

14 Q. And you were present in the courtroom earlier -- well,  
15 were you present in the courtroom on October 15th during the  
16 bulk of Agent Doering's presentation?

17 A. I was.

18 Q. And you heard him discuss that there was a bank account  
19 in Pakistan.

20 A. Yes.

21 Q. A Silk Bank account; is that correct?

22 A. Correct.

23 Q. Do you know when that account was opened?

24 A. Not at this time. I was not asked to look into that  
25 for the purposes of this hearing.

1 Q. So you don't know when that account was opened; is that  
2 correct?

3 A. No.

4 Q. You don't know the status of that account?

5 A. No.

6 Q. You don't know the volume of transfers into that  
7 account?

8 A. Not at this time, no.

9 Q. Out of -- transfers out of that account?

10 A. Not at this time.

11 Q. Current balance of that account?

12 A. Not at this time.

13 Q. So if the current balance was \$21.74 as of October  
14 20th, 2021, you would not have any dispute with that?

15 A. Not at this time, no.

16 Q. Were you solely -- going back to what you were asked to  
17 review for purposes of this hearing, were you solely asked to  
18 review the Regions accounts?

19 A. The Regions and the Texas Branch Bank, yes.

20 Q. All right. Just one more question about the Pakistani  
21 account. Do you have any reason to dispute that the account  
22 was opened on December 25th of 2018?

23 A. Not at this time, no.

24 Q. And that was before this case was indicted; is that  
25 correct?

1 A. Correct.

2 Q. Or investigated?

3 A. Correct.

4 THE COURT: Mr. Meyer, just a question. How much  
5 more do you have for this witness?

6 MR. MEYER: Ten to fifteen minutes, Your Honor,  
7 tops. I can get it done in ten, probably.

8 THE COURT: All right. Why don't you get it done  
9 in ten.

10 MR. MEYER: Yes, Your Honor.

11 BY MR. MEYER:

12 Q. Ms. Keene, I know you said you were not aware of the  
13 current balance of the Regions accounts. Are you aware that  
14 the government received another subpoena return from Regions  
15 on last Thursday?

16 A. Yes.

17 Q. But you haven't looked at those yet?

18 A. Not yet, no.

19 Q. This is a SCS Supply Chain account; is that correct?

20 A. Yes.

21 Q. And that statement's through September 30th; is that  
22 right?

23 A. That's correct.

24 Q. And am I reading that correctly, the ending balance is  
25 36 cents?

1 A. That is correct.

2 Q. And that's account ending in 1235; is that right?

3 A. Yes.

4 Q. This is another Regions Bank account for SCS ending in  
5 1243; is that right?

6 A. That's correct.

7 Q. And that ending balance on September 30th is \$1,001.58;  
8 is that right?

9 A. Yes.

10 Q. So now we're up to \$1,002; is that about right?

11 A. Thereabouts.

12 Q. This is SCS account ending in 2268; is that right?

13 A. Yes.

14 Q. Sorry, I'm going to skip ahead. That one ends in  
15 August. And its ending balance, as of September 24th, is  
16 zero dollars; is that right?

17 A. Yes.

18 Q. So three accounts worth a thousand and two dollars.

19 And this is another SCS account ending in 2276; is  
20 that right?

21 A. Yes.

22 Q. And its balance, as of September 24th, is zero dollars;  
23 is that right?

24 A. Correct.

25 Q. This is an SCS account ending in 2276; is that right?

1 A. No, sir. That is an account for Saad Aziz.

2 Q. Oh, my apologies. Saad Aziz account at Regions ending  
3 in 2276.

4 A. Correct.

5 Q. And the balance on that account on October 14th  
6 is \$1.25.

7 A. Correct.

8 Q. And it looks like this is a joint CD for Saad and Maaz  
9 Aziz; is that right?

10 A. Yes.

11 Q. And that's ending in 3414?

12 A. Yes.

13 Q. And its ending balance on October 14th of this year is  
14 \$45.93; is that right?

15 A. That's correct.

16 Q. So we're at about a thousand fifty dollars?

17 A. Thereabouts.

18 Q. And this is an SCS Supply Chain account at Regions  
19 for -- ending in 4317, and its ending balance on September  
20 22nd is one cent; is that right?

21 A. Yes.

22 MR. MEYER: Your Honor, might I make use of the  
23 government's demonstrative momentarily?

24 THE COURT: Yes.

25 BY MR. MEYER:

1 Q. Can you see this far?

2 A. We'll see once you get it set up.

3 Q. Is the microphone working? First time in two hearings.

4 All right.

5 So I know you covered this a lot, and I just want  
6 to make this very simple for you. So we've got a search  
7 warrant here on August 24th.

8 A. Correct.

9 Q. You were here earlier when I was talking to Agent  
10 Doering, and you were aware that there was also search  
11 warrants executed on Saad's house.

12 A. Correct.

13 Q. Okay. And on this same date, you drew attention to the  
14 fact that there were inflows from the line of credit within  
15 two days totaling over a hundred thousand dollars.

16 A. Correct.

17 Q. And it looks like down here on August 30th you've got a  
18 transfer to Aziz Holdings for a hundred thousand dollars.

19 A. That's correct.

20 Q. Okay. So when did Mr. Saad Aziz flee between August  
21 24th and August 30th?

22 A. He did not.

23 Q. Okay, he didn't. On August 31st, Mr. Aziz is told by  
24 Mr. Gonzalez and Agent Doering that he's going to be  
25 indicted; is that right?

1 A. Correct.

2 Q. And it looks like here on September 2nd there is a wire  
3 to Canada for \$165,000 on here.

4 A. Correct.

5 Q. Okay. And so when did Mr. Aziz flee to Canada to take  
6 advantage of those funds there?

7 A. He did not.

8 Q. Did Mr. Aziz's children flee to Canada?

9 A. Not that I know of.

10 Q. His wife didn't go ahead of time to prepare the way?

11 A. Not that I know of.

12 Q. Here, on September 3rd, there is a note that  
13 Mr. McCarthy wrote -- and Mr. Gonzalez and I was on that --  
14 that Mr. Aziz wanted to self-surrender. On the same day,  
15 you've got \$134,000 transferred to Aziz Holdings.

16 When did Mr. Aziz flee to Canada on that day?

17 A. He did not.

18 Q. What about Pakistan?

19 A. He did not.

20 Q. So you're telling me that somehow he's got hundreds of  
21 thousands of dollars out of the country, he's apparently a  
22 serious risk of flight, he's been told he's going to be  
23 indicted, and he hasn't fled yet.

24 A. Yes.

25 Q. In fact, when -- so, again, on September 13th he writes

1 Judge Nowak saying he -- and Judge Johnson and the U.S.  
2 Attorney's office and U.S. Probation saying, I want to  
3 self-surrender. Let me know where I need to go.

4 The day before -- or two days before, you've got  
5 11,000 drawn down on the line of credit. Here, you've got  
6 another -- a couple of additional outflows of cash.

7 When does Mr. Aziz flee at that point?

8 A. He does not.

9 Q. In fact, between August 24th and September 23rd, which  
10 is a month where you identify what you say are large outflows  
11 of cash, Mr. Aziz does not flee.

12 A. Correct.

13 Q. His kids don't leave the country.

14 A. Not that I know of.

15 Q. His wife doesn't leave the country.

16 A. Not that I know of.

17 Q. His mother doesn't leave the country.

18 A. Not that I know of.

19 Q. He stays here and waits to get indicted.

20 A. Yes.

21 Q. And he does that despite the fact that you've  
22 identified what you claim is hundreds of thousands of dollars  
23 of funds available to fund that escape.

24 A. Correct.

25 Q. He stays here the entire time.

1 A. Yes.

2 Q. And the funds that you've identified here, those are  
3 not seized by the government at that time. There weren't  
4 seizure warrants run on those accounts.

5 A. No.

6 Q. Those funds were available from August 24th to  
7 September 23rd; is that right?

8 A. Correct.

9 MR. MEYER: No more questions at this time, Your  
10 Honor.

11 THE COURT: All right. Thank you, Mr. Meyer.

12 Ms. Bloss, can this witness step down?

13 MS. BLOSS: Well, Your Honor, I had a few questions  
14 on redirect, but I understand we're getting pretty close to  
15 the...

16 THE COURT: Yeah, I think if you -- you're going to  
17 have to keep it to about five minutes, I think.

18 MS. BLOSS: All right. Then I will make it real  
19 quick.

20 REDIRECT EXAMINATION

21 BY MS. BLOSS:

22 Q. Ms. Keene, on the SCS accounts that opposing counsel  
23 just showed you, had low balances. Do you remember that?

24 A. Yes.

25 Q. Now, those accounts, based on what you're seeing,

1 they're passing money through to other accounts; right?

2 A. Correct.

3 Q. Passing money to credit card payments.

4 A. Correct.

5 Q. Passing money to money transmitters.

6 A. Correct.

7 Q. Passing money to Pakistan.

8 A. Yes.

9 Q. Passing money to U.S. Global, to the tune of over a  
10 hundred thousand dollars; right?

11 A. Correct.

12 Q. So SCS accounts, those are pass-throughs.

13 A. Correct.

14 Q. And U.S. Global, you didn't just see them making  
15 transactions with SCS based on the reports from the bank,  
16 right, in that investigation?

17 A. Can you repeat that? Sorry.

18 Q. So Prosperity Bank does an investigation of U.S.  
19 Global's interactions with SCS; right?

20 A. Yes.

21 Q. That's where they say we're a proxy account; right?

22 A. Yes.

23 Q. But that's not the only transaction that you saw;  
24 right?

25 A. Correct.

1 Q. Because on September 2nd, U.S. Global is receiving  
2 \$101,000 from SCS as well.

3 A. Correct.

4 Q. And that helps support your analysis; right?

5 A. Yes.

6 Q. And I've really got to touch base on this because  
7 opposing counsel has just said that Agent Doering  
8 misrepresented evidence, and I just want to be clear and make  
9 sure we understand where Agent Doering is getting his facts.

10 This is from Saad -- excuse me, Maaz Aziz's own  
11 mouth; right? What he reported to pretrial services.

12 A. Correct.

13 Q. The defendant advised that he owned and operated along  
14 with his brother, co-defendant Saad Aziz, SCS Supply Chain in  
15 Farmersville, Texas; right?

16 A. Yes.

17 Q. Agent Doering's opinion based on the defendant's own  
18 words; right?

19 A. Correct.

20 Q. And one last point. Opposing counsel noted that there  
21 were potentially properties that were identified and given to  
22 pretrial services. Judge Nowak asked them about that  
23 pretrial services report; right?

24 A. Yes.

25 Q. And here, the Court asks if there's any other

1 information that y'all want to bring out during the course of  
2 this hearing; any errors, omissions in that report that you  
3 want to bring to our attention. Do you see that?

4 A. Yes.

5 Q. She asked Maaz Aziz's lawyer that question; right?

6 A. Yes.

7 Q. She asked Saad Aziz's question -- lawyer that question;  
8 right?

9 A. Yes.

10 Q. And based on this transcript, do any of those  
11 individuals indicate that the report's inaccurate in any way  
12 or there needs to be any additional information?

13 A. No.

14 MS. BLOSS: Pass the witness.

15 THE COURT: All right. I think you can step down,  
16 Ms. Keene.

17 So I think that's everything the government's going  
18 to present; correct?

19 MR. GONZALEZ: Yes, Your Honor. No more witnesses.

20 THE COURT: So for the defendants, is there any  
21 witness you were going to present, or not?

22 MR. WOHLFORD: Your Honor, so actually, I would  
23 appreciate, to the extent that you're willing to, to give us  
24 a little bit of guidance. We do have -- we proffered a  
25 third-party custodian at the hearing before Judge Nowak. He

1 was there. He was cross-examined by Mr. Gonzalez. Pretrial  
2 services filed an addendum to their report after he was  
3 proffered, stating that he would be a suitable custodian.

4 He, unfortunately, could not be at the hearing  
5 today. And I understand that some courts say you've got to  
6 hear from your own ears from a potential third-party  
7 custodian. So I have brought a potential backup if that's  
8 Your Honor's, you know, policy that you need to be able to  
9 hear from any potential third-party custodian.

10 If not, you know, we would -- we think it's  
11 sufficient that the previous custodian that we offered,  
12 appeared before Judge Nowak, was cross-examined, and vetted  
13 by pretrial services.

14 THE COURT: All right. So, essentially, what  
15 you're saying is defendants would stand on the testimony of  
16 the person offered as a third-party custodian at the hearing  
17 before Judge Nowak; correct?

18 MR. WOHLFORD: Yes, Your Honor. Just to clarify,  
19 Maaz Aziz would take that position. We will stand on the  
20 third-party custodian offered for Maaz Aziz. I can't speak  
21 to Saad Aziz.

22 THE COURT: Mr. Meyer, what about you?

23 MR. MEYER: Yes, Your Honor. We had offered Duua  
24 Aziz as a third-party custodian at that hearing. We would  
25 stand on her testimony. She obviously had the opportunity to

1 be cross-examined by Mr. Gonzalez. We have not received an  
2 addendum. I know that pretrial services ran her and agreed  
3 that she had no background hits, but we have not received an  
4 addendum. We followed up with them and just aren't sure of  
5 the status of that.

6 THE COURT: All right. So needless to stay, I have  
7 the transcript. I have you-all's position that you would  
8 stand on that testimony as to both of those proffered  
9 third-party custodians.

10 What's the government's position? Is the  
11 government willing to stand on that testimony with  
12 cross-examination?

13 MR. GONZALEZ: Yes, Your Honor. Obviously, we  
14 would -- as we argued then, that we believe that the  
15 third-party custodians were woefully inadequate based on the  
16 information that was elicited there at that time, and we  
17 would obviously add whatever information was added today,  
18 specifically as to Duua Aziz, now that the Court has more  
19 information that Judge Nowak didn't have about her  
20 involvement with businesses that are closely related. So we  
21 would add that testimony to the cross-examination that I had  
22 of her at the time on the original detention hearing.

23 THE COURT: Right. I understand what you're  
24 saying. You want the Court to account for evidence of this  
25 hearing as it bears on that issue. And I assume the

1 defendants are aware of that.

2           It's no problem for me. As you may know in many of  
3 these instances, we don't have a third-party custodian that  
4 ever testifies in front of a magistrate. And that, you know,  
5 from my perspective, is more when we need to hear from one if  
6 there hasn't been any evidence presented concerning the  
7 potential third-party custodian. So with that, since the  
8 parties are content, I'll just review the record as to both  
9 of those custodians.

10           I do want to ask the defendants' counsel -- I want  
11 to return to this issue -- you have had the opportunity to do  
12 cross-examination on these documents that a number of which  
13 were only recently provided to you. So there's two ways we  
14 can approach this in terms of whether or not the defendants  
15 believe we need a continuation of this hearing for you to  
16 have another opportunity at cross-examination.

17           One is if you can tell me here today we don't need  
18 that, we've been able to do sufficient cross-examination,  
19 we've been able to do sufficient review, and I can close out  
20 the record and close out the hearing.

21           The second alternative is if you tell me you need  
22 time, you need a day or two, to figure that out, I can afford  
23 that to you and say the Court's not going to make any  
24 decision pending a notice from one or both defendants that  
25 you don't believe -- whether or not you believe you need more

1 time for further cross-examination based on further review of  
2 those documents.

3 Does that all make sense to you?

4 MR. WOHLFORD: It does, Your Honor. And on behalf  
5 of Maaz Aziz, we will go with the former option and say that  
6 we've done our cross-examination -- you know, without  
7 withdrawing our prior objection, we've done our  
8 cross-examination and would not object to the Court closing  
9 the record, Your Honor.

10 THE COURT: All right. Mr. Meyer, does Mr. Saad  
11 Aziz take the same position, or --

12 MR. MEYER: Your Honor, he does. The only other  
13 issue I want to raise -- and I can do it now or give  
14 Mr. Gonzalez an opportunity, whichever you would prefer, Your  
15 Honor.

16 THE COURT: I'm sorry, you take the same position  
17 as Mr. Wohlford?

18 MR. MEYER: I do. I just wanted to raise one more  
19 issue, Your Honor, which is my colleague, Ms. Riley, is here.  
20 We would appreciate the opportunity for her to make a brief  
21 proffer to the Court. She was at the pretrial services  
22 interview. And just because it's been such an issue of  
23 discussion, we would appreciate the opportunity for her to  
24 make that to the Court this afternoon.

25 THE COURT: Is there any objection from the

1 government?

2 MR. GONZALEZ: No, Your Honor.

3 THE COURT: All right. She can do that.

4 MR. MEYER: Thank you, Your Honor.

5 THE COURT: Ms. Riley, you can go ahead.

6 MS. RILEY: Thank you, Your Honor. My name is  
7 Rachel Riley, and I'm an associate working at the same firm  
8 with Ryan Meyer and with Brandon McCarthy.

9 On September --

10 THE COURT: You may want to make sure you speak  
11 slowly.

12 MS. RILEY: Okay. I represented our client, Saad  
13 Aziz, at his initial arraignment hearing on September 23rd.  
14 I arrived with my client that morning, and he was taken back  
15 for processing. I was actually not physically present when  
16 he was being interviewed; however, I had asked to be present  
17 for that portion of the interview.

18 And after he had been taken back for processing, I  
19 was approached by the pretrial services officer, Ms. Tiffany  
20 Routh, who asked if I was Ms. Riley, and said that she had  
21 been interviewing my client and that when she had asked him  
22 about financials, he had directed her to speak to me as I had  
23 a short sheet listing the figures. So I went over those  
24 figures with her, which are the figures that are reflected in  
25 the pretrial services report.

1           At no time was I asked about business, financial  
2           accounts, which also makes sense to me as I represent an  
3           individual and not any entities. I was not asked about any  
4           property ownership other than about Mr. Aziz's home in  
5           Euless, Texas. I was not asked about the location of any  
6           bank accounts, whether it was foreign or domestic; that was  
7           never approached.

8           And, finally, I was never asked to make a  
9           representation that the numbers that we went over represented  
10          his complete net worth picture. And I believe on Exhibit 13  
11          it says that Saad Aziz made this representation. And I want  
12          to be clear for the Court that that was not a representation  
13          that was made by myself or by my client.

14          THE COURT: Let me ask you just two questions on  
15          that. So you're saying that when the pretrial services  
16          officer interviewed Mr. Saad Aziz and asked him about  
17          financials, he just referred her to you; is that correct?

18          MS. RILEY: Yes. Yes, that is what she told me.

19          THE COURT: And then you had the information that  
20          you gave to her, and I take it that information was derived  
21          from what Mr. Aziz -- and the problem is I don't want to get  
22          into any attorney/client communications. Did you gather that  
23          information from your client?

24          MS. RILEY: Yes.

25          THE COURT: Okay. And entirely from your client, I

1 assume.

2 MS. RILEY: Yes.

3 THE COURT: All right.

4 Is there anything further you wanted to add?

5 MS. RILEY: No. I just wanted to provide that  
6 background to the Court because much has been made about the  
7 insinuation that our client has not provided this information  
8 or it was concealed from pretrial. But I was the one having  
9 that conversation, and I was never asked for a lot of  
10 information that they're saying was concealed here today.

11 THE COURT: All right. Thank you, Ms. Riley.

12 MS. RILEY: Thank you.

13 THE COURT: Both sides have already submitted a lot  
14 of written argument on this motion. If the parties are  
15 content to rest on the written briefing, I think we can close  
16 out this hearing. I'm closing the record on the hearing,  
17 other than if the parties feel the need to present oral  
18 argument in addition to the written arguments that have  
19 already been made.

20 Let me ask the government, first, your position on  
21 that.

22 MR. GONZALEZ: No, Your Honor. We rest on what's  
23 already been presented.

24 THE COURT: All right. Let me ask both defendants.

25 So Mr. Maaz Aziz, Mr. Wohlford, what's your

1 position on that?

2 MR. WOHLFORD: Your Honor, we'll rest on the  
3 written submission, written arguments as well.

4 THE COURT: All right.

5 MR. WOHLFORD: Thank you.

6 THE COURT: Mr. Meyer.

7 MR. MEYER: Already turned on, Your Honor, so it  
8 will actually work for me.

9 I think we will largely do so as well. The only  
10 point we would make, Your Honor, and just to re-urge -- I  
11 know it's in the written briefing -- is our client, Saad  
12 Aziz, made multiple attempts over the course of a month to  
13 surrender himself. He's offered multiple times to provide  
14 his passports, his children's passports, his wife's  
15 passports, to the government to hold through the pendency of  
16 the case.

17 He is -- this man is in no way a serious risk of  
18 flight. And we just want to make sure that for every -- all  
19 the other testimony that's been provided over the last three  
20 hearings about the weight of the evidence and the charges  
21 he's facing, and the looming trial, to make sure that the  
22 focus is on what is really before, in all of this briefing,  
23 which is the serious risk of flight and the fact that he  
24 doesn't pose one.

25 THE COURT: All right. Thank you, Mr. Meyer.

1 MR. MEYER: Thank you, Your Honor.

2 THE COURT: So I'll close out the record. We've  
3 heard from counsel today, and I have your written  
4 submissions. I'm going to take this under advisement and  
5 render a decision as soon as we can. And we are working hard  
6 on it, and we will try to get the decision out as soon as we  
7 can. And so as soon as possible, the Court will get a  
8 written decision out regarding detention.

9 Is there anything further from the government at  
10 this time?

11 MR. GONZALEZ: No, Your Honor. Thank you.

12 THE COURT: Anything further from the defendants at  
13 this time?

14 MR. WOHLFORD: Nothing from Maaz Aziz, Your Honor.

15 MR. MEYER: Nothing from Saad Aziz, Your Honor.

16 THE COURT: All right. Thank you, counsel.

17 We'll stand in recess. You're excused.

18 THE COURT SECURITY OFFICER: All rise.

19 (Adjourned at 6:20 p.m.)

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CERTIFICATE OF OFFICIAL REPORTER

I, Gayle Wear, Federal Official Court Reporter, in and for the United States District Court for the Eastern District of Texas, do hereby certify that pursuant to Section 753, Title 28 United States Code, that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated 30th day of October 2021.

/s/ Gayle Wear  
GAYLE WEAR, RPR, CRR  
FEDERAL OFFICIAL COURT REPORTER